**Calendar No. 738**

| 100TH CONGRESS<br>*2d Session* | SENATE | REPORT<br>100–388 |
|---|---|---|

# DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1989

JUNE 20, 1988.—Ordered to be printed

Mr. HOLLINGS, from the Committee on Appropriations,
submitted the following

## REPORT

[To accompany H.R. 4782]

The Committee on Appropriations, to which was referred the bill (H.R. 4782) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1989, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes made.

AMOUNT IN NEW BUDGET (OBLIGATIONAL) AUTHORITY

| | |
|---|---|
| Amount of bill as passed by the House | $7,966,708,000 |
| Amount of Senate bill above House | 7,039,700,000 |
| Total bill as reported to Senate | 15,006,408,000 |
| Amount of appropriations, 1988 | 14,024,395,000 |
| Amount of budget estimates, 1989, as amended | 15,503,754,000 |
| The bill as reported to the Senate: | |
| Above the appropriations for 1988 | 982,013,000 |
| Below the estimates for 1989 | 497,346,000 |

S183-5

# CONTENTS

Page

Summary of estimates and recommendations ........ 3
Title I—Department of Commerce ........ 14
Title II—Department of Justice ........ 38
Title III—Department of State ........ 54
Title IV—The Judiciary ........ 67
Title V—Related agencies:
  Department of Transportation: Maritime Administration ........ 72
  Arms Control and Disarmament Agency ........ 73
  Board for International Broadcasting ........ 74
  Christopher Columbus Quincentenary Jubilee Commission ........ 74
  Commission on Agriculture Workers ........ 75
  Commission on the Bicentennial of the United States Constitution ........ 75
  Commission on Civil Rights ........ 76
  Commission on Security and Cooperation in Europe ........ 76
  Commission for the Study of International Migration and Cooperative Economic Development ........ 76
  Equal Employment Opportunity Commission ........ 77
  Federal Communications Commission ........ 78
  Federal Maritime Commission ........ 79
  Federal Trade Commission ........ 80
  International Trade Commission ........ 80
  Japan-United States Friendship Commission ........ 80
  Legal Services Corporation ........ 81
  Marine Mammal Commission ........ 82
  Office of the U.S. Trade Representative ........ 82
  Securities and Exchange Commission ........ 83
  Small Business Administration ........ 83
  State Justice Institute ........ 86
  U.S. Information Agency ........ 87
Title VI—General Provisions ........ 92
Budgetary impact ........ 92
Statement of compliance with rule XVI ........ 93
Statement of compliance with rule XXVI ........ 93
Comparative statement of new budget authority ........ 108

## SUMMARY OF ESTIMATES AND RECOMMENDATIONS

The budget estimates for the departments and agencies included in the accompanying bill are contained in the budget of the United States for 1989 submitted on February 18, 1988 (H. Doc. 100–153), and budget amendments submitted on March 17, 1988 (H. Doc. 100–176), and May 24, 1988 (H. Doc. 100–199).

The total amount of new budget authority recommended by the Committee for fiscal year 1989 is $15,006,408,000. This amount is a net increase of $982,013,000 over appropriations enacted for fiscal year 1988 for these departments and agencies. The Committee recommendation is $497,346,000 below the budget estimates, as amended, but it is $7,039,700,000 above the amount provided in the House bill.

The House bill does not provide for $6,505,000,000 in appropriations not authorized. The Committee does not believe that such a stringent approach is necessary, particularly in view of the constrained budget situation and the fact that the Committee's recommendations in the domestic area, do little more than maintain existing programs at 1 percent over current levels. In fact, if we were not to fund ongoing programs at this time the Committee would have to resort to the much maligned continuing resolution process to continue the unauthorized programs.

The amounts recommended will consume the allocation of outlays to the Subcommittee on Commerce, Justice, State, and the Judiciary pursuant to section 302(b)(1) of the Congressional Budget Act of 1974, as amended. Accordingly, the departments and agencies funded by this bill must conduct their operations in fiscal 1989 with the view that there will be no supplemental appropriation in 1989.

### COMPARISON OF AMOUNTS ALLOCATED FOR THIS BILL WITH AMOUNT APPROPRIATED FOR 1988 AND RECOMMENDED FOR 1989

The bipartisan budget agreement, the so-called economic summit agreement by the bipartisan congressional leadership and the President late last year established separate amounts for fiscal year 1989 for discretionary defense, international affairs, and domestic spending. This bill uniquely involves spending under all three areas. The following table summarizes the amounts that have been allocated to this bill for discretionary defense, international affairs, and domestic spending and the amounts recommended in the bill.

## COMMERCE, JUSTICE, STATE, THE JUDICIARY APPROPRIATIONS FISCAL YEAR 1989

## COMPARISON OF ALLOCATIONS TO AMOUNTS IN THE BILL

[In thousands of dollars]

| | Fiscal year 1988 budget authority | 1989 budget authority | | | 1989 outlays | | |
|---|---|---|---|---|---|---|---|
| | | Request | Allocation | Recommended | Request | Allocation | Recommended |
| National defense: | | | | | | | |
| FBI-INF project | | 15,100 | | 15,100 | 12,986 | | 12,986 |
| MarAd Ready Reserve | 126,689 | 110,751 | | 110,751 | 54,480 | | 54,480 |
| Total | 126,689 | 125,851 | 126,000 | 125,851 | 67,466 | [1] 67,000 | 67,466 |
| International affairs: | | | | | | | |
| Justice | 500 | 472 | | 472 | 342 | | 342 |
| State | 2,571,200 | 2,608,007 | | 2,608,307 | 1,993,302 | | 1,993,772 |
| Related agencies | 1,105,941 | 1,178,949 | | 1,179,521 | 867,144 | | 866,279 |
| Total | 3,677,641 | 3,787,428 | 3,788,000 | 3,788,300 | 2,860,788 | 2,861,000 | 2,860,393 |
| Domestic functions: | | | | | | | |
| Commerce | 2,408,948 | 2,396,467 | | 2,783,681 | 1,755,616 | | 1,877,668 |
| Justice | 5,018,004 | 6,002,945 | | 5,447,406 | 4,487,938 | | 4,222,550 |
| State | 30,975 | 33,226 | | 30,316 | 25,233 | | 24,449 |
| Judiciary | 1,228,954 | 1,619,070 | | 1,251,700 | 1,434,245 | | 1,115,371 |
| Related agencies | 1,346,204 | 1,328,220 | | 1,362,923 | 1,025,051 | | 1,108,682 |
| Total | 10,033,085 | 11,379,928 | 10,938,000 | 10,876,026 | 8,728,083 | 8,349,000 | 8,348,720 |
| Mandatory accounts | 198,980 | 216,547 | 223,000 | 216,231 | 216,547 | 223,000 | 216,231 |
| Total current accounts | 14,036,395 | 15,509,754 | 15,075,000 | 15,006,408 | 11,872,884 | 11,500,000 | 11,492,810 |
| Prior-year outlays | | | | | 3,530,249 | 3,530,000 | 3,530,249 |
| Grand totals | 14,036,395 | 15,509,754 | 15,075,000 | 15,006,408 | 15,403,133 | [1] 15,030,000 | 15,023,059 |

---

[1] Includes $15,100,000 in budget authority and $12,986,000 in outlays associated with FBI-INF activities in President's budget amendment contained in House Document 100–199 and offset in defense allocation. Excludes $6,000,000 in budget authority and outlays for independent counsel (permanent-indefinite) scorekeeping adjustment making totals $15,012,408,000 budget authority, and $15,029,059,000 outlays.

*Mandatory programs.*—The Committee has included a total of $222,231,000 in new budget authority in the bill for mandatory programs. This amount is the full budget request for these items including the expenses of the independent counsel. The Committee also recommends the budget request for the Maritime Administration's "Operating-differential subsidies" account for liquidation of contract authority, $248,900,000.

*Discretionary Defense function (050).*—The Committee understands that under the bipartisan budget agreement, the so-called economic summit agreement, the bipartisan leadership and the President agreed that funds requested for programs under the discretionary Defense budget function were not to be transferred to other domestic budget functions. The requests for the two items in the Defense function, the Federal Bureau of Investigation's INF activities and the Ready Reserve Force in the Maritime Administration, totaling $125,851,000 are recommended.

*Discretionary international affairs function (150).*—As with the Defense budget function, the Committee understands that under the bipartisan budget agreement, funds requested for programs in the discretionary international affairs budget function were not to be transferred to programs that are in the domestic budget functions. Therefore, the Committee has provided a total of $3,788,000,000 in the bill for the programs in the international affairs function. This amount is the same as the total budget requests for these programs with a few changes to meet certain needs which the Committee believes are more current than when the budget was submitted to Congress earlier this year.

*Discretionary domestic functions.*—The Committee recommends a total of $10,869,440,000 for the programs in the discretionary domestic budget functions. Basically, these programs are funded at the fiscal year 1988 enacted (freeze) level plus a 1-percent increase. The Committee recommends increases for certain high priority programs, including the following:

| | *Budget authority* |
|---|---|
| Preparation for 1990 decennial census | $188,500,000 |
| Restoration of ITA carryover and exchange rate losses | 16,900,000 |
| Maintain production of NOAA weather and Landsat satellites, Nexrad radars, and initiate global climate change, et cetera | 140,500,000 |
| Support of U.S. prisoners in local jails | 11,150,000 |
| Expansion of asset forfeiture fund to provide for State payments | 59,700,000 |
| Development of FBI language translation system | 7,500,000 |
| Partial restoration of DEA base | 4,200,000 |
| Restoration of INS program funded from carryover | 63,200,000 |
| Uncontrollable increases in prisons and activation of four new facilities | 243,200,000 |
| Approximately 53 percent of SEC increase | 13,400,000 |

The Committee believes that the funding provided for many of the agencies, commissions, departments, the Judiciary and for the bill as a whole is not adequate to provide the level of services and programs required. In addition, the Committee believes that in some cases the low level of resources will reduce total Government receipts to the General Treasury. However, the restraints on the provision of new budget authority that have been placed on the Committee under the budget process do not permit a more adequate level of funding at this time.

### SUMMARY STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

The following table summarizes by department and agency the amounts recommended in the bill compared with the fiscal year 1988 continuing resolution and the budget estimates for fiscal year 1989, and the House allowance.

## COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1988 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1989

[Amounts in dollars]

| Item | 1988 appropriation | Budget estimate | House allowance | Committee recom-mendation | Senate committee recommendation compared with (+ or −) | | |
|---|---|---|---|---|---|---|---|
| | | | | | 1988 appropriation | Budget estimate | House allowance |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) |
| Department of Commerce | 2,408,948,000 | 2,396,467,000 | 2,074,403,000 | 2,783,681,000 | +374,733,000 | +387,214,000 | +709,278,000 |
| Department of Justice | 5,018,504,000 | 6,018,517,000 | 275,000,000 | 5,462,978,000 | +444,474,000 | -555,539,000 | +5,187,978,000 |
| Department of State | 2,688,175,000 | 2,748,917,000 | 2,739,966,000 | 2,746,307,000 | +58,132,000 | -2,610,000 | +6,341,000 |
| The Judiciary | 1,329,934,000 | 1,721,933,000 | 1,417,793,000 | 1,360,247,000 | +30,313,000 | -361,686,000 | -57,546,000 |
| Related Agencies: | | | | | | | |
| Arms Control and Disarmament Agency | 30,100,000 | 32,000,000 | 30,830,000 | 32,000,000 | +1,900,000 | --- | +1,170,000 |
| Board for International Broadcasting | 219,000,000 | 227,100,000 | 194,900,000 | 227,100,000 | +8,100,000 | --- | +32,200,000 |
| Christopher Columbus Quincentenary Jubilee Commission | 212,000 | 220,000 | 212,000 | 212,000 | --- | -8,000 | --- |
| Commission of Agricultrual Workers | --- | --- | 600,000 | --- | --- | --- | -600,000 |
| Commission on the Bicentennial of the United States Constitution | 21,000,000 | 11,436,000 | 11,436,000 | 11,436,000 | -9,564,000 | --- | --- |
| Commission on Civil Rights | 5,707,000 | 13,376,000 | 5,707,000 | 5,841,000 | +134,000 | -7,535,000 | +134,000 |
| Commission on Security and Cooperation in Europe | 701,000 | 780,000 | 701,000 | 780,000 | +79,000 | --- | +79,000 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Small Business Administration...................... | 414,985,000 | 404,080,000 | --- | 429,301,000 | +14,316,000 | +25,221,000 | +429,301,000 |
| State Justice Institute............................ | 10,980,000 | 15,000,000 | --- | 11,130,000 | +150,000 | -3,870,000 | +11,130,000 |
| United States Information Agency................... | 820,021,000 | 880,475,000 | 883,437,000 | 881,047,000 | +61,026,000 | +572,000 | -2,390,000 |
| Total, related agencies............................ | 2,584,574,000 | 2,617,920,000 | 1,459,546,000 | 2,653,195,000 | +68,621,000 | +35,275,000 | +1,193,649,000 |
| Grand total........................................ | 14,024,395,000 | 15,503,754,000 | 7,966,708,000 | 15,006,408,000 | +982,013,000 | -497,346,000 | +7,039,700,000 |

## COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1988 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1989—Continued

[Amounts in dollars]

| Item (1) | 1988 appropriation (2) | Budget estimate (3) | House allowance (4) | Committee recom-mendation (5) | Senate committee recommendation compared with (+ or –) 1988 appropriation (6) | Budget estimate (7) | House allowance (8) |
|---|---|---|---|---|---|---|---|
| Commission for the Study of International Migration and Cooperative Economic Development | 870,000 | 890,000 | 1,690,000 | 890,000 | +20,000 | --- | -800,000 |
| Equal Employment Opportunity Commission | 179,812,000 | 194,624,000 | 179,812,000 | 181,758,000 | +1,946,000 | -12,866,000 | +1,946,000 |
| Federal Communications Commission | 99,613,000 | 104,700,000 | --- | 100,660,000 | +1,047,000 | -4,040,000 | +100,660,000 |
| Federal Maritime Commission | 13,585,000 | 15,150,000 | 13,585,000 | 13,737,000 | +152,000 | -1,413,000 | +152,000 |
| Federal Trade Commission | 66,243,000 | 67,503,000 | --- | 66,918,000 | +675,000 | -585,000 | +66,918,000 |
| International Trade Commission | 34,750,000 | 37,069,000 | --- | 37,069,000 | +2,319,000 | --- | +37,069,000 |
| Japan - United States Friendship Commission | 1,200,000 | 1,415,000 | 1,415,000 | 1,415,000 | +215,000 | --- | --- |
| Legal Services Corporation | 305,500,000 | 250,000,000 | --- | 308,555,000 | +3,055,000 | +58,555,000 | +308,555,000 |
| Marine Mammal Commission | 953,000 | 933,000 | --- | 962,000 | +9,000 | +29,000 | +962,000 |
| Maritime Administration | 203,152,000 | 184,851,000 | --- | 177,001,000 | -26,151,000 | -7,850,000 | +177,001,000 |
| Office of the United States Trade Representative | 15,229,000 | 15,393,000 | --- | 15,383,000 | +154,000 | -10,000 | +15,383,000 |
| Securities and Exchange Commission | 135,221,000 | 160,925,000 | 135,221,000 | 150,000,000 | +14,779,000 | -10,925,000 | +14,779,000 |

## COMMITTEE PROCEDURES REGARDING REPORT LANGUAGE

Any limitation, directive, or earmarking contained in either the House or Senate report, which is not contradicted by the other report nor specifically denied in the conference report, shall be considered as having been approved by both Houses of Congress.

## DEFINITION OF "PROGRAM, PROJECT, AND ACTIVITY" FOR PURPOSES OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

During the fiscal year 1989, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) and any amendments thereto, the following information provides the definition of the term "program, project, and activity" for departments and agencies under the jurisdiction of the Commerce, Justice, and State, the Judiciary and Related Agencies Subcommittee. The term "program, project, and activity" shall include the most specific level of budget items identified in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1989, as passed the Senate and the Senate report accompanying said act.

In implementing any possible Presidential order, departments, and agencies shall apply the percentage reduction required for fiscal year 1989 pursuant to the provisions of Public Law 99–177, and any amendments thereto, to each program, project, activity, and subactivity specified in the budget justification documents submitted to the Committees on Appropriations of the House and Senate in support of the fiscal year 1989 budget estimates, as amended, for such departments and agencies, as modified by congressional action. In addition, the departments and agencies in implementing the Presidential order, shall not (1) eliminate any program, project, or activity; (2) reorder priorities or funds; or (3) initiate any program, project, or activity that was not funded in the fiscal year 1989 appropriations act. However, for purposes of program execution these departments and agencies may propose reprogrammings between programs, projects, and activities pursuant to the Committee's reprogramming procedures after they implement the reductions required under the Balanced Budget Act.

## REPROGRAMMINGS, REORGANIZATIONS, AND RELOCATIONS

As in previous years, the Committee has inserted section 607 under title VI of general provisions of the bill. This section restates previous law with regard to the reprogramming of funds between programs or activities.

The House and Senate reports accompanying the appropriations bills of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for several years have contained sections concerning the reprogramming of funds between programs or activities.

The Committee expects each department and agency to follow closely the reprogramming procedures listed below which are similar to provisions that applied in statute during fiscal year 1988:

The Committee desires and expects that the chairman of the Subcommittee on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies will be notified by letter a minimum of 15 days prior to—

One, reprogramming of funds, whether permanent or temporary, in excess of $250,000 or 10 percent, whichever is less, between programs or activities. This provision is also applicable in cases where several activities are involved with each receiving less than $250,000. In addition, the Committee desires to be notified of reprogramming actions which are less than these amounts if such actions would have the effect of committing the agency to significant funding requirements in future years.

Two, increasing funds or personnel by any means for any project or activity for which funds have been denied or restricted.

Three, creation of new programs, offices, agencies or commissions or substantial augmentation of existing programs, offices, agencies or commissions.

Four, relocation of offices or employees.

Five, reorganization of offices, programs, or activities.

In addition, the Committee desires and expects any department or agency funded in the accompanying bill which is planning to conduct a reduction in force to notify the Committee by letter 30 days in advance of the date of the proposed personnel action.

The Committee has learned of a recent instance in the Department of Commerce where a function was contracted out without notification to the Committee. The Committee directs that every department and agency included in this bill adopt administrative regulations incorporating this section and that the Committee be provided a copy of such regulations by January 1, 1989.

The Committee also expects that any items which are subject to interpretation will be reported.

## CONSULTATION CALLS AND COORDINATION ON COAL EXPORTS, DEPARTMENTS OF COMMERCE AND STATE AND THE U.S. TRADE REPRESENTATIVE

The Committee remains concerned over the adequacy of the implementation of the multifiber agreement by the interagency Committee for the Implementation of Textile Agreements [CITA], represented by the Department of Commerce and the Department of State. In the statement of managers accompanying Public Law 100–202, the Committee directed the Secretary of Commerce to provide a monthly report on each request for consultations made by CITA. The Committee notes that the Department of Commerce complied neither expeditiously nor completely with this directive.

The Committee will continue its oversight of the CITA process and renews its request for a monthly report on each request for consultations made by CITA. The report shall list each call by: category, description, country, the date on which the issue was first considered by CITA principals, the date on which CITA agreed to the request, the minimum permissible level of import control under the bilateral agreement (or other agreement) at the time the issue was first presented, the level of general imports during the 12 months ending on the month prior to the request, and the individual agency votes on whether to request consultations, if taken. If the Department of Commerce believes it is unable to comply with any part of this request, it shall provide the Committee in writing, within 30 days of enactment of the bill, its reasons for not being able to supply the requested information. The reports will be considered due upon enactment of the bill.

As in previous years, the Committee is concerned about the United States reduced share of the Japanese coal market. The Committee calls on the Commerce Department and the State Department to utilize every available opportunity to negotiate with the Government of Japan to maintain and increase the United States share of the Japanese coal market. The Committee requests the Commerce Department and the State Department to report to the Committee regularly on the progress of the United States-Japanese Energy working group and on its specific actions undertaken to promote the United States market share.

## UNITED STATES-JAPAN TRADE NEGOTIATIONS

The Committee remains concerned about the balance of benefits available to United States air cargo carriers under the United States-Japan bilateral aviation agreement, as currently implemented under the 1985 memorandum of understanding between our two countries on this subject.

Two recent developments suggest that United States carriers are being badly disadvantaged by Japanese Government actions. First, Japan has erected new and unwarranted barriers against entry by the designated United States small package carrier. The issue was created by Japan shortly before small package service was to commence. The service has been delayed by Japanese refusal to accept a standard airway bill format, although the 1985 memorandum of understanding does not require any specific airway bill. The use of technical barriers to deny American industry access to Japanese markets is a familiar and aggravating pattern. Even more disturbing, express small package service was an important new part of the 1985 memorandum of understanding, and a Japanese carrier began operations to the United States immediately while United States service to Japan has been delayed.

Second, the Departments of State and Transportation recently completed a report entitled "An Analysis of the United States International Air Cargo Market." This study chronicles a troubling decline in the share of international air cargo markets held by United States carriers, both in the overall world market and in the United States-Japan market. In particular, from 1985, when the memorandum of understanding was signed, to 1986, the United States share of the United States-Japan air cargo market declined from 48.3 percent to 43.5 percent while Japanese share increased from 35.6 percent to 40.9 percent. It is a familiar story: United States carriers are the world leaders in small package service, but are restrained in the Japanese market until Japan's companies can catch up.

The Committee is further dismayed by the continuing controversy over beyond rights, that is, the right of United States air cargo carriers to continue service without restriction beyond Japan, carrying cargo laden before reaching Japan. Denial of beyond rights effectively precludes American carriers from establishing an efficient air cargo distribution network in the Far East.

The Committee believes that American negotiators should give the highest priority to obtaining an immediate removal of Japanese barriers to United States express package service. Further, our negotiators must gain Japanese recognition of the beyond rights American air cargo carriers are entitled to under our current bilateral aviation agreements. These rights must not be paid for twice. If Japan blocks the establishment of small package service to Japan and beyond, then Japanese carriers' service to the United States should be treated in a reciprocal fashion.

# TITLE I—DEPARTMENT OF COMMERCE

A total of $2,783,681,000 is recommended for the Department of Commerce, which is $374,733,000 more than the amount for 1988, $387,214,000 more than the budget estimates, and $709,278,000 above the House allowance. Increases over the budget requests occur primarily in appropriations for the Economic Development Administration and the National Oceanic and Atmospheric Administration.

## GENERAL ADMINISTRATION

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $39,204,000 |
| 1989 budget estimate | 41,303,000 |
| House allowance | 39,204,000 |
| Committee recommendation | 41,000,000 |

The Committee recommends an appropriation of $41,000,000, an increase of $1,796,000 over 1988 appropriations to date. The amount recommended is $303,000 less than the request and $1,796,000 more than the House allowance.

This appropriation provides for the executive direction of the Department of Commerce, including the secretarial officers and their immediate staffs; for departmental staff services for management and administration, including such functions as budget, program evaluation, congressional relations, public information, legal services, organization and management studies, personnel, systems, publications, and security; and for the audit and investigative duties of the inspector general.

The bill includes $250,000 for the Clearinghouse for State and Local Initiatives on Productivity, Technology, and Innovation. This is a continuation of the amount made available for the clearinghouse under House Joint Resolution 395.

## BUREAU OF THE CENSUS

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $94,835,000 |
| 1989 budget estimate | 103,970,000 |
| House allowance | 94,835,000 |
| Committee recommendation | 96,995,000 |

The Committee recommends an appropriation of $96,995,000, an increase of $2,160,000 over the 1988 appropriations to date. The amount recommended is $6,975,000 less than the request and $2,160,000 more than the House allowance.

The amount includes a transfer of $1,200,000 for the plant and equipment survey from economic and statistical analysis.

This appropriation provides for the Bureau of the Census' statistical programs which include the measurement of the Nation's economy and the demographic characteristics of the population. These programs provide a broad base of economic, demographic, and social information used for decisionmaking by governments, private organizations, and individuals.

### PERIODIC CENSUSES AND PROGRAMS

| | |
|---|---|
| 1988 appropriations to date | $346,444,000 |
| 1989 budget estimate | 567,211,000 |
| House allowance | 527,304,000 |
| Committee recommendation | 538,399,000 |

The Committee recommends an appropriation of $538,399,000, an increase of $191,955,000 over 1988 appropriations to date. The amount recommended is $28,812,000 less than the budget estimate and $11,095,000 more than the House allowance. The major part of the appropriation is for the preparations for the 1990 decennial census.

This appropriation funds periodic censuses and surveys covering the major economic and demographic areas once or twice each decade. It also provides for the maintenance of geographic support activities required by the various censuses, the preparation of population and per capita income estimates, and the acquisition of large-scale data processing equipment.

Within the amount recommended the Committee has provided $800,000 for the horticultural specialties census.

### ASIAN AND PACIFIC ISLANDER DATA

The Committee is pleased with the Census Bureau's decision to release data on at least 26 Asian and Pacific Islander groups and on all American Indian tribes beginning in mid-1991.

The Committee is concerned, however, that sufficient attention has not been paid to the manner in which Asian and Pacific Islander data shall be collected. The Committee has learned that the U.S. Census Bureau's proposed 1990 race question is unacceptable as a means to meet the Federal Government's population and its detailed groups. The Committee has included bill language directing that data in the 1990 census relating to individuals who are members of Asian or Pacific Islanders be collected in the same checkoff manner as that used in the 1980 census. The listing of specific Asian and Pacific Islander racial subgroups will minimize the need for post-census editing, help resolve inconsistent reporting of specific racial subgroups, and reduce substantially the Bureau's coding and tabulation costs.

In addition, it is the judgment of the Committee that this format should not impair the data quality of the white, black or Negro, American Indian, Eskimo, Aleut, and other categories of the race question, or of any other question. The Committee, therefore, directs the Census

Bureau to ensure that each question receives sufficient space to achieve this objective.

## ECONOMIC AND STATISTICAL ANALYSIS

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $32,079,000 |
| 1989 budget estimate | 32,539,000 |
| House allowance | 29,667,000 |
| Committee recommendation | 33,000,000 |

The Committee recommends an appropriation of $33,000,000, an increase of $921,000 over the 1988 appropriations to date. The amount recommended is $461,000 more than the budget estimate and is $3,333,000 more than the House allowance.

This appropriation provides for the Bureau of Economic Analysis programs to maintain the national income and product accounts including GNP, personal income, and foreign investment accounts.

Within the amount recommended the Committee has included $227,000 for the survey of residential finance, and $2,712,000 to maintain the Office of Productivity, Technology, and Innovation at the current level of 48 permanent positions.

## ECONOMIC DEVELOPMENT ADMINISTRATION

### ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

| | |
|---|---|
| 1988 appropriations to date | $182,028,000 |
| 1989 budget estimate | |
| House allowance | |
| Committee recommendation | 183,500,000 |

The Committee recommends $183,500,000 in fiscal year 1989, $1,472,000 more than as the 1988 appropriations to date and an increase of $183,500,000 over the House level and the amount requested.

The Committee recommends the following allocation of this amount:

*Fiscal year 1989 EDA program levels*

| | |
|---|---|
| Public works grants | $127,932,000 |
| Planning assistance | 22,995,000 |
| Districts | (15,330,000) |
| Indians | (2,875,000) |
| States | (1,916,000) |
| Urban | (2,874,000) |
| Technical assistance | 6,706,000 |
| University centers | (4,790,000) |
| Research and evaluation | 1,210,000 |
| Economic adjustment grants | 24,657,000 |
| Sudden and severe projects | (12,454,000) |
| Revolving loan fund projects | (12,203,000) |
| Total | 183,500,000 |

The Committee recommendation includes $1,400,000 for a grant to the Crownpoint Institute of Technology [CIT] for urgent structural and mechanical repairs to the CIT facilities and related site stabilization and drainage work. Without these repairs, this vocational education and training facility for native American youth will be forced to close its doors.

The Crownpoint Institute was built by the Federal Government, including the Economic Development Administration, in 1979. Since that time it has been providing valuable vocational and educational training to disadvantaged postsecondary students without any Federal support for its operation and maintenance. CIT's highly successful training program is in grave jeopardy due to the deteriorating structural and mechanical condition of its facilities. The grant for these repairs will enable CIT to continue its important efforts to train disadvantaged students for steady employment. The Committee believes that the skilled work force trained by CIT acts as an important stimulus to attract industry to the reservation and is instrumental in promoting economic development and self-sufficiency for native Americans.

The Committee is recommending $2,000,000 for the fruit shed expansion project at Tioga marine terminal I and piers 82 and 84 at the Port of Philadelphia. The Federal contribution toward this project will be used for infrastructure improvements to provide over 1 million square feet of fruit-handling capacity. Thousands of jobs and millions of dollars in economic impact are linked to this trade. Fully 30 percent of total waterfront man-hours are represented by this business, and the direct and indirect economic benefits to the Philadelphia region are estimated to be $72,000,000.

The Committee also recommends $4,500,000 to assist in the construction of the Advanced Science and Technology Commercialization Center [ASTCC] at the University of Kentucky. The ASTCC will be a model center dedicated to promoting the more rapid dissemination and absorption of emerging technologies. The ASTCC, working with the Economic Development Administration, will provide a unique approach to the transfer of technological innovations to build a more complete and direct bridge among the science, engineering, and commercial communities. This bridge will serve to shorten the technology development life-cycle by ensuring that ideas flow more quickly out of the research laboratory and into industrial applications.

Finally, the Committee recommends the continuation of assistance to the Center for International Trade Development at Oklahoma State University in Stillwater, OK, at the current level of $250,000.

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $24,472,000 |
| 1989 budget estimate | 40,000,000 |
| House allowance | ............ |
| Committee recommendation | 24,989,000 |

The Committee recommends an appropriation of $24,989,000 in new budget authority. The amount recommended is $247,000 above the amount available in 1988, $15,011,000 less than the budget request, and $24,989,000 more than the House allowance. The Committee continues to believe that 360 positions is the minimum necessary to administer the EDA programs adequately.

The Committee has included the language which has been in the appropriation bill for several years specifying that 49 economic development representatives [EDR's] are to be funded from this appropriation and that the EDR's are to be maintained at locations they occupied September 1, 1987.

The Committee has also maintained previously enacted language that the number of Deputy Assistant Secretary positions shall not be greater than four.

## INTERNATIONAL TRADE ADMINISTRATION

### OPERATIONS AND ADMINISTRATION

| | |
|---|---|
| 1988 appropriations to date | $161,432,000 |
| 1989 budget estimate | 169,337,000 |
| House allowance | 161,432,000 |
| Committee recommendation | 179,917,000 |

The Committee recommends an appropriation of $179,917,000, an increase of $18,845,000 over 1988 appropriations to date. The amount recommended is $10,580,000 more than the budget request and $18,485,000 more than the House allowance. The amount includes restoration of the $10,000,000 in 1988 provided by releasing a reserve for loan losses. In addition, the Committee recommends $9,600,000 requested to cover exchange rate losses ($9,000,000) and to implement the Canadian softwood lumber agreement ($600,000). The Committee has also restored funding for trade adjustment assistance to firms ($15,160,000).

### OFFICE OF TEXTILES AND APPAREL

The Committee has maintained the earmarking in the bill for the Office of Textiles and Apparel [OTEXA], $7,460,000, including $3,360,000 for a grant to the Tailored Clothing Technology Corp. [TC$^2$], composed of the following items:

| | |
|---|---|
| Office operating expenses | $2,500,000 |
| Grant to Tailored Clothing Technology Corp. [TC$^2$] | 3,360,000 |
| Textile import monitoring system [TIMS] | 600,000 |
| Textile/Apparel Export Promotion Program | [1]600,000 |
| Total | 7,060,000 |

[1] In addition, $400,000 is to be derived from trust funds.

The Committee again recommends a straightforward funding base for OTEXA to indicate our priority for adequate protection of America's textile industry. The Committee is again disappointed that the Department did not maintain this priority by establishing an OTEXA subactivity in the fiscal 1989 justifications.

### JOINT APPAREL PROGRAM [TC$^2$]

The Committee has provided $3,360,000 to maintain the vital Department of Commerce matching share of the joint labor-management-Government research program designed to increase the productivity of U.S. apparel firms and their employees. The program operates through the Tailored Clothing Technology Corp. [TC$^2$], a not-for-profit company organized solely to conduct the research essential for the domestic apparel industry to survive the onslaught of rising apparel imports. Those imports from low-wage, low-developed countries are replacing the products of U.S. manufacturers, causing enormous domestic job losses.

Recently the People's Republic of China announced a $440,000,000 program to build and renovate 553 garment factories by 1990. The Committee cannot understand the refusal of the administration to budget a modest $3,360,000 to maintain the research necessary to ensure a competitive American apparel industry.

### COAL EXPORTS

The Committee remains concerned that United States coal exporters may be disadvantaged in the international marketplace as a result of practices in other nations which: (1) subsidize, directly or indirectly, the production or transportation of coal; or (2) subsidize or provide financing or services for construction of facilities in other nations which utilize coal as a fuel or raw material feedstock when that assistance is tied to the use of coal produced or sold through entities in the nation which provided the assistance. In this regard, the Committee remains interested in the type and level of subsidies or incentives provided by other nations or governmental or quasi-governmental units of other nations utilized to promote and facilitate the export of coal produced within other nations. The Committee requests that ITA continue its investigation of the use and existence of such subsidies and/or incentives, both direct and indirect, and report its findings to Congress within 180 days of the enactment of the accompanying bill.

The report should include a description of the subsidy or incentive and whether it is implemented through an established program or on an ad hoc basis. This report should identify if the subsidy or incentive is in acquisition of reserves, production, or transportation of the coal and whether it is direct, as providing raw materials or services or indirect as less than market rate financing or the provision of transportation or transshipment at less than fully allocated cost. The report should further identify subsidies or incentives for the construction or operation of facilities which use coal as an energy feedstock in exchange for the receiving nation, government entity or company's importation of coal to be utilized at such facility. In general, the Committee is interested in the nature and use of tied-aid arrangements involving the export and import of coal. In addition, the Committee expects the report to include Japan, West Germany, France, the Phillipines, Malaysia, Australia, Columbia, South Africa, the Soviet Union, Venezuela, South Korea, Taiwan, and Canada, although the Committee does not intend that this list shall be exclusive. ITA should further outline the subsidies and/or incentives available to coal producers and exporters in the United States for the purposes of comparison. To the extent subsidies are identified, the Committee expects ITA to work together with the other appropriate

Government agencies to negotiate the prompt removal of such subsidies.

### MONITORING CANADIAN SOFTWOOD LUMBER AGREEMENT

The Committee has provided $600,000 funding to the Import Administration, in accordance with the President's request, for 13 new permanent positions within the Department of Commerce for monitoring of the Canadian softwood lumber agreement signed on December 30, 1986. These positions are necessary to ensure that terms of the agreement calling for elimination of unfair subsidization of the Canadian lumber industry are complied with.

### CHARLESTON, WV, OFFICE

The Committee directs that the Charleston, WV, office remain in operation at current levels.

## EXPORT ADMINISTRATION

### OPERATIONS AND ADMINISTRATION

| | |
|---|---|
| 1988 appropriations to date | $37,465,000 |
| 1989 budget estimate | 39,313,000 |
| House allowance | 37,465,000 |
| Committee recommendation | 40,481,000 |

The Committee recommends an appropriation of $40,481,000 in new budget authority. The amount recommended is $3,016,000 above the amount available in 1988, $1,168,000 over the budget request, and $3,016,000 more than the House allowance.

The Bureau of Export Administration, which was established by Public Law 99–64 on July 12, 1985, administers the Export Administration Act, as amended. In administering the act, the Bureau strives to achieve a balance between the interests of U.S. exporters, the U.S. economy, and U.S. national security and foreign policy requirements. All activities funded in this appropriation were funded in the International Trade Administration prior to establishment of the Bureau of Export Administration.

Included in the Committee's recommendation is $1,641,000 and 28 positions for the Office of Industrial Resource Administration budgeted in the International Trade Administration request. The transfer of this office is consistent with the authorizing legislation which established the Bureau of Export Administration.

### REGIONAL OFFICES

The Committee recommendation includes $1,000,000 for the establishment of regional offices of the Bureau of Export Administration. These offices will provide counseling and assistance to the exporting community on a full range of services and procedures including the export license application process; emergency license handling; advisory opinions; special and distribution licenses; auditing of distribution licenses; issuance of import certificates; and seminars and workshops.

An office has already been opened in Los Angeles, CA, and the Committee directs that at least two new offices be established in fiscal year 1989, including an office in Portland, OR, and in the Boston, MA/Nashua, NH, area, to serve high technology and other exporters in both regions. Four permanent positions should be assigned and filled for the Portland office, and eight permanent positions should be assigned and filled for the Boston office. These positions are to be in addition to other Commerce Department positions in both areas.

In addition, the Committee directs the Secretary to conduct a study to assess the most cost-effective means of providing export services, and on the best sites for an additional two offices. The Secretary should report to the Committees on Appropriations by October 31, 1988, with recommendations for providing these services, including costs and sources of funding. If the study indicates that additional resources are needed to support export services, the Committee expects the Department to propose a budget request for fiscal year 1990.

## Minority Business Development Agency

### MINORITY BUSINESS DEVELOPMENT

| | |
|---|---|
| 1988 appropriations to date | $39,705,000 |
| 1989 budget estimate | (1) |
| House allowance | ............... |
| Committee recommendation | 40,102,000 |

[1] Budgeted within estimates of Small Business Administration.

The Committee recommends an appropriation of $40,102,000, an increase of $397,000 over the fiscal year 1988 appropriations to date. The amount recommended is $40,102,000 more than the budget request and the House allowance.

The Committee expects that MBDA will continue to maintain a fully staffed district office in Boston, MA, at no less than the 1988 funding level.

## U.S. Travel and Tourism Administration

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $11,724,000 |
| 1989 budget estimate | 11,000,000 |
| House allowance | ............... |
| Committee recommendation | 13,800,000 |

The Committee recommends an appropriation of $13,800,000 which is $2,076,000 more than 1988 appropriations to date. The amount recommended is $2,800,000 more than the budget request and $13,800,000 more than the House allowance.

Travel and tourism is the Nation's second largest industry, and last year foreign travelers spent approximately $19,000,000,000 in the United States. The Committee is recommending additional funds for the USTTA as part of the effort to reduce our international balance of payments deficit. Attracting foreign visitors is an important function of the

Commerce Department, and the Committee expects these funds to be used for international marketing activities and to support the work of the overseas offices of the USTTA, with increased cooperative advertising with the private sector, additional brochures, and further joint-partnerships with the private sector in VISIT-USA activities.

Within the amount recommended, the Committee has included $150,000 to enable the Department of Commerce to enter into a contract with the United States Travel Data Center to update the travel economic impact model [TEIM]. The travel industry will provide $71,000 of the $221,000 total cost of the project, in addition to financing the individual travel surveys which provide the basic input data for the model. The benchmark estimates of the size and scope of the travel industry were developed over 10 years ago and the revised benchmark will result in far more reliable information on travel data.

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

### OPERATIONS, RESEARCH, AND FACILITIES

| | |
|---|---|
| 1988 appropriations to date | $1,110,015,000 |
| Aviation weather services | 28,291,000 |
| (By transfer) | (59,645,000) |
| 1989 budget estimate | 1,064,371,000 |
| Aviation weather services | 30,000,000 |
| (By transfer) | (62,800,000) |
| House allowance | 1,181,858,000 |
| Aviation weather services | |
| (By transfer) | |
| Committee recommendation | 1,263,854,000 |
| Aviation weather services | 30,000,000 |
| (By transfer) | (52,100,000) |

The Committee recommends an appropriation of $1,263,854,000, an increase of $153,839,000 from 1988 appropriations to date. The amount recommended is $199,483,000 over the budget request and is $81,996,000 over the House allowance.

The Committee provides funding pursuant to the budget request, with the following exceptions:

| | |
|---|---|
| Additions to budget request: | |
| National Ocean Service: | |
| South Carolina multipurpose mapping project | $400,000 |
| Multipurpose cadastre survey | 1,950,000 |
| Circulatory Program | 400,000 |
| Ocean assessment activities (Long Island Sound—$1,000,000) | 6,500,000 |
| Coastal zone management: 306 and 306(a) State grants | 35,000,000 |
| Estuarine sanctuary program | 1,600,000 |
| Marine sanctuary management | 529,000 |
| Coastal Zone Management program management | 500,000 |
| Wetlands demonstration project | 1,000,000 |
| Ocean services | 2,600,000 |
| National Marine Fisheries Service: | |
| Resource surveys and technology | 2,650,000 |
| Protected species research | 1,275,000 |

| | |
|---|---|
| Additions to budget request—Continued | |
| National Marine Fisheries Service—Continued | |
| Habitat research | $5,133,000 |
| Fisheries statistics | 3,100,000 |
| Analysis of ecosystems | 974,000 |
| Aquaculture (Newport, OR—$350,000; Stuttgart, AR—$1,375,000) | 4,097,000 |
| Chesapeake Bay studies | 1,700,000 |
| SEAMAP | 1,000,000 |
| MARFIN | 3,000,000 |
| West coast groundfish research | 900,000 |
| Right whale research | 250,000 |
| Marine mammal research | 1,750,000 |
| Gear entanglement research | 750,000 |
| Habitat evaluation research | 500,000 |
| Subarctic fisheries research | 800,000 |
| Hawaii stock management plan | 400,000 |
| Complete Lake Mead limnological research | 400,000 |
| Yukon River chinook study | 250,000 |
| Japanese salmon interceptions | 150,000 |
| Alaska salmon enhancements | 4,000,000 |
| Pacific salmon research | 4,750,000 |
| Atlantic salmon research | 500,000 |
| Antarctic research | 1,300,000 |
| Regional fisheries councils | 4,000,000 |
| Columbia River/Mitchell Act hatcheries | 10,300,000 |
| Manage Georges Bank fisheries | 500,000 |
| Habitat conservation | 2,000,000 |
| Oyster disease research | 1,000,000 |
| Shellfish pollution indicator study | 1,000,000 |
| Endangered species recovery plans | 288,000 |
| Fisheries trade promotion activities | 1,400,000 |
| Interjurisdictional fisheries grants to States | 3,500,000 |
| Anadromous fisheries grants | 2,500,000 |
| Striped bass research | 500,000 |
| Interstate fisheries commissions | 350,000 |
| Product, quality, and safety research (includes Gloucester Lab) | 4,400,000 |
| Fish oil research | 1,000,000 |
| Asian aquaculture exchanges | 300,000 |
| St. Paul trust fund | 1,700,000 |
| Tuna treaty implementation | 350,000 |
| Ocean and atmospheric research: | |
| Regional climate centers ($320,000 each for Illinois, New York-New England, Nebraska, Nevada, and South Carolina) | 1,600,000 |
| National climate program office | 500,000 |
| State weather modification grants | 2,350,000 |
| Sea Grant | 39,000,000 |
| National Coastal R&D Institute | 1,250,000 |
| NOAA Undersea Research Program [NURP] | 14,485,000 |
| Great Lakes Environmental Research Laboratory [GLERL] | 1,600,000 |
| VENTS/Sea floor spreading research (Newport, OR) | 1,800,000 |
| Fisheries-oceanography coordinated investigations [FOCI] | 1,000,000 |
| PROFS | 2,000,000 |
| National Weather Service: | |
| Staffing of weather service forecast offices | 836,000 |
| Southern regional headquarters | 852,000 |
| Pacific and Alaska regional headquarters | 407,000 |
| Data buoy activities | 1,174,000 |

| | |
|---|---|
| Additions to budget request—Continued | |
| National Weather Service—Continued | |
| Fire weather | $300,000 |
| Agriculture and fruit frost warnings | 1,418,000 |
| Susquehanna River flood warning system operations | 700,000 |
| Colorado River Basin flood warning system operations | 600,000 |
| Meteorological/hydrological research | 340,000 |
| MARD | 2,000,000 |
| Advanced weather interactive processing system [AWIPS] | 8,500,000 |
| National Environmental Satellite, Data, and Information Service: | |
| Landsat 5 operations (in addition, $3,000,000 in carryover balances) | 6,400,000 |
| NOAA port | 2,000,000 |
| Program support: Marine services (restores fleet rehabilitation, days at sea, and denies ship deactivations) | 6,275,000 |
| Total additions | 222,583,000 |
| Reductions from budget request: | |
| Polar orbiting spacecraft and launching (slippage) | −15,000,000 |
| Landsat commercialization (partial funding from other sources) | −13,700,000 |
| Reduced adjustments to base funding | −5,100,000 |
| Total reductions | −33,800,000 |
| Budget request | 1,133,171,000 |
| Additions to budget request | 222,583,000 |
| Reductions from budget request | −33,800,000 |
| Offset from CEIF | −6,500,000 |
| Offset from S/K fund | −45,600,000 |
| Deobligations | −6,000,000 |
| Appropriation | 1,263,854,000 |

The Committee is recommending bill language to ensure that funds appropriated to the National Oceanic and Atmospheric Administration will be obligated in accordance with congressional intent. The Committee is aware of efforts to ignore such intent in fiscal year 1988, and believes it is important the proper congressional role in the appropriation of funds is maintained. Cooperation between the Congress and the executive branch is essential if program flexibility and administrative discretion are to be balanced against the legitimate interest of elected officials to direct the obligation of public funds. The lack of such cooperation on the part of executive branch officials will necessarily result in the action being recommended by the Committee.

The Committee has included a total of $15,000,000 to support the first year of NOAA's Climate and Global Change Program. This program is a critical component of an evolving national and international effort to understand, predict, and respond to changes in the global environment. With its strong focus on global climate change, the Climate and Global Change Program will allow NOAA to fulfill its responsibilites as the operational observation, prediction, and information management agency for the national effort. In addition, $500,000 has been provided to the National Climate Program Office for the World Meteorological Organization/United Nations Environment Programme assessment of the climate change issue.

The Committee recognizes the scientific importance of research relating to the issues of stratospheric ozone depletion and global warming due to the greenhouse effect and is supportive of the research being conducted within NOAA's Climate and Global Change Program. NOAA's work on the trace gas component of the greenhouse effect has been a particularly important element of the overall research effort since 1981. Radiatively important trace species [RITS] include tropospheric ozone, nitrous oxide, methane, freons, and other trace gases. Although these gases are found in smaller quantities in the atmosphere, they cause a disproportionately greater greenhouse effect than $CO_2$. Thus rising concentrations of trace gases may have as serious an impact on global warming as the more prevalent $CO_2$. The Committee directs that research on RITS be accelerated to the extent possible within available funds.

Consistent with the goal of modernizing the National Weather Service, the Committee directs NWS to continue development, acquisition, and implementation of advanced weather information processing, display, and communications systems. The Committee does not approve the $5,000,000 request to extend the life of AFOS (automation of field operations and services) and related systems and expects that those funds will be used instead to continue procurement of AWIPS (advanced weather interactive processing system). The bill includes additional funds of $8,500,000 for AWIPS, $2,000,000 for NOAA-PORT, and $2,000,000 for MARD (modernization and restructuring demonstration).

The Committee has set aside $1,000,000 in funds from this account to continue a joint Federal-State research and demonstration project to develop a natural resources information system and to establish criteria and standards by which the public interest in privately owned natural resources can be determined. The Committee directs the National Ocean Service of NOAA to contract with the State of South Carolina's Water Resources Commission to conduct this demonstration in the watershed of Edisto, and the upper reaches of the Combahee River. This pilot project will provide valuable information and methodology to enable the States and the Federal Government to continue to efficiently manage our natural resources. The Committee further expects that the State of South Carolina will finance an increasing percentage of the costs of the project over the last 3 years of this 5-year joint effort.

The Committee intends that $1,000,000 of the funds provided for regional assessments in the Office of Oceanography and Marine Assessments is for continuation of the intensive multiyear study of Long Island Sound. It is also the Committee's intention that work carried out with this funding will continue to be done in cooperation with the Long Island Sound study management committee.

The Hawaiian monk seal research has resulted in improved pup survival. The Committee has restored $350,000 to continue ongoing efforts to protect this endangered species.

The Committee directs that $850,000 be available for bowhead whale research, of which $500,000 shall be allocated to NOAA's Marine Mammal Lab to conduct the bowhead whale spring aerial survey and complete the associated length frequency study and $350,000 shall be allocated to the Alaska Eskimo Whaling Commission for the following purposes: (1) scientific research; (2) International Whaling Commission representation; and (3) implementation of the Alaska Eskimo Whaling Commission and National Oceanic and Atmospheric Administration cooperative agreement.

Of the funds available for aquaculture, it is the Committee's intention that no less than the same funding that was provided during fiscal year 1988 be provided to continue research at the Milford, CT, facility.

The Committee notes its strong support for continued funding through the National Marine Fisheries Service of the Stuttgart, AR, Fish Farming Experimental Station operated by the U.S. Department of the Interior Fish and Wildlife Service. The Committee is concerned that the Department of Commerce may take steps to terminate its 1972 memorandum of understanding with the Department of the Interior on this program. The Stuttgart farm is one of the Nation's leading research institutions on fresh-water aquaculture and the largest facility in the country of its type. The Committee directs the National Marine Fisheries Service to continue its present cooperative relationship with the Fish and Wildlife Service and maintain the 1972 memorandum of understanding.

Within the $2,650,000 restored for resource survey activities, the Committee expects NMFS to continue contracting with South Carolina Wildlife and Marine Resources Department for resource surveys.

The Committee has provided $1,000,000 to initiate the first year of a national shellfish pollution indicator study through the Gulf and South Atlantic Fisheries Foundation. This project is aimed at upgrading sanitary indices of shellfish growing waters. The first year funding will continue and expedite the planning and coordination of scientific methods by the National Shellfish Pollution Study's Committee; and, initiate standardization work on developing microbiological methods at the National Marine Fisheries Service's laboratory at Charleston, SC, and the Louisiana Universities' Marine Consortium Coastal Laboratory. The project's executive steering committee should be expanded to include a representative from the University of South Carolina.

The Committee notes that completion of the harbor project undertaken by the St. Paul trust (Pribilof Islands) to diversify its economy has been delayed for 2 years by severe winter storms, lack of State funding because of the fall in oil prices, and Congress' delay in authorizing new Federal harbor projects.

The Committee recognizes that the funds remaining in the trust are inadequate to sustain the community until the harbor is completed. Given the urgency of the situation and the island's complete reliance on the trust, the Committee has inserted language in the bill adding $1,700,000 for the St. Paul trust to sustain the community through fiscal year 1989 while work on the harbor continues.

The Committee has provided $1,000,000 for fish oil research at the Charleston Seafood Laboratory of NMFS. The funds will permit continuation of the program to produce refined fish oil for use in medical research on the health benefits of fish oil.

Of the funds available to the National Marine Fisheries Service, the Committee intends that not less than $500,000 be made available for Pacific fisheries information network [PACFIN] activities through the Pacific Marine Fisheries Commission. The Committee is aware of the use of base funds for this purpose in previous years, and supports continuation of the program.

Of the funds provided for Pacific salmon reseach, $6,200,000 shall continue to be available for activities in support of the Pacific salmon treaty, including cooperative research performed by the States of Alaska, Washington, Oregon, and Idaho.

The Committee is concerned that NOAA is unprepared to respond to reports that sewage sludge dumping at the 106-mile dumpsite is having adverse effects on fishery resources. Sludge dumping at this site began only within the last 2 years. Yet, fishermen already have complained about significant decreases in catches and increases in diseased fish at or near the dump site. Despite the requirement of section 201 of the Marine Protection, Resource, and Sanctuaries Act requiring NOAA to conduct a program of monitoring the effects of ocean dumping, NOAA has no program to monitor the dumping of sewage sludge at the 106-mile site. Therefore, the Committee has provided $100,000 for the National Marine Fisheries Services Sandy Hook Laboratory initiative for a comprehensive monitoring and associated research program. This program should include sampling of an appropriate number of fish and shellfish species and other benthic organisms at the site and within the potential area of influence of the dumped sewage sludge to assess the effects of environmental conditions on living organisms from the dumping of sewage sludge. The Committee intends that the National Marine Fisheries Service and the National Undersea Research Program should develop a coordinated plan to carry out this monitoring and research effort as soon as possible.

Of the additional funds provided for the NOAA Undersea Research Program, $500,000 is for the Undersea Research Program at the University of Connecticut for continuation of critical studies on the deep water impacts of the ocean dumping of sewage sludge, and the continuation of the cooperative research program with the Israel Oceanographic and Limnological Research Institute; $175,000 is for the Undersea Research Program at the Caribbean Marine Research Center for the further investigation of physical and biological conditions surrounding the massive coral bleaching witnessed throughout the Caribbean region last summer and fall; and $375,000 is for the Undersea Research Program at Fairleigh Dickinson University for further systems development for NOAA's newly launched mobile habitat, the Aquarius.

The Committee has provided $1,500,000 to enable the Hawaii Underwater Research Laboratory [HURL] to acquire a surplus tuna seiner at significant savings as a support vessel for the *Pisces V* submersible. The State of Hawaii will contribute $500,000 toward the purchase price of this vessel.

The Committee is concerned that NOAA has failed to take any action to encourage the establishment of citizen pollution patrols as required by section 2204 of the Marine Plastic Pollution Research and Control Act of 1987. The Congress passed this law last year because of its concern about the harmful effects of persistent plastics and other garbage in the marine environment.

One important component for the successful implementation of the new law is citizen involvement. The law requires that NOAA and other Federal agencies encourage the establishment of citizen pollution patrols. These patrols would assist in monitoring, reporting, cleanup, and prevention of ocean and shoreline pollution.

NOAA does not have any efforts geared toward establishing citizen pollution patrols. The Committee strongly encourages NOAA to take the lead in working with other Federal agencies to encourage the establishment of citizen pollution patrols as required by the Marine Pollution Research and Control Act of 1987.

Of the funds restored for Sea Grant, the Committee intends that $2,000,000 be available to implement the strategic research program.

The bill includes $320,000 to fund a regional climate center in the State of South Carolina to serve the Southeast. This center will link State and Federal climate programs, providing climate information and research to nine States from Virginia to Florida. Similar services are performed in other regions by the existing climate centers in Illinois, Nebraska, Nevada, and New York.

The Committee expects NOAA to accelerate the implementation of the Integrated Flood Observing and Warning System [IFLOWS] in West Virginia and surrounding States and that National Weather Service personnel and programs in West Virginia will be maintained at no less than current levels.

## FISHERIES PROMOTIONAL FUND

Pursuant to the provisions of the Fish and Seafood Promotion Act of 1986, the Committee is recommending the release of $3,000,000 as authorized by said act.

## FISHING VESSEL AND GEAR DAMAGE FUND

| | |
|---|---|
| 1988 appropriations to date | .............. |
| 1989 budget estimate | $500,000 |
| House allowance | .............. |
| Committee recommendation | .............. |

The Committee recommends no appropriation for the fishing vessel and gear damage fund. This is the same as the House allowance and $500,000 less than the budget estimate.

### FISHERMEN'S CONTINGENCY FUND

| | |
|---|---|
| 1988 appropriations to date | $719,000 |
| 1989 budget estimate | 750,000 |
| House allowance | 719,000 |
| Committee recommendation | 726,000 |

The Committee recommends an appropriation of $726,000, an increase of $7,000 over the 1988 appropriations to date, $24,000 less than the budget request, and $7,000 more than the House allowance.

U.S. commercial fishermen are entitled, by title IV of the Outer Continental Shelf Lands Amendments of 1978, to compensation for damage or loss of fishing gear and resulting economic loss due to obstructions related to oil and gas exploration, development, and production in any area of the Outer Continental Shelf.

Holders of a lease, an exploration permit, easement, or rights-of-way are required to pay into the fund an amount not to exceed $5,000 per calendar year. Although the program does not use appropriated funds, the law stipulates that disbursements can be made only to the extent authorized in appropriation acts.

### FOREIGN FISHING OBSERVER FUND

| | |
|---|---|
| 1988 appropriations to date | $1,919,000 |
| 1989 budget estimate | 2,000,000 |
| House allowance | 1,919,000 |
| Committee recommendation | 1,938,000 |

The Committee recommends an appropriation of $1,938,000, which is $19,000 more than the 1988 appropriations to date, $62,000 less than the budget request, but $19,000 more than the House allowance.

The Foreign Fishing Observer Fund, established by Public Law 96–339, which amended the Atlantic Tuna Convention Act of 1975, is to be used by the Secretary of Commerce to pay salaries, administrative costs, and data management costs associated with full observer coverage aboard certain foreign fishing vessels within the U.S. fishery conservation zone. Amendments to the Magnuson Fishery Conservation Act now allow foreign governments to contract for observer services from contractors approved by the Secretary. The current level of coverage is expected to continue with a decrease in direct appropriations and an increase in direct contracts.

## Federal Ship Financing Fund, Fishing Vessels

### (LIMITATION ON GUARANTEED LOANS)

The Committee has not approved the appropriation language requested in the budget which would prohibit loan guarantee authority for construction of fishing vessels during fiscal year 1989 from the Federal ship financing fund.

## PATENT AND TRADEMARK OFFICE

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $120,000,000 |
| 1989 budget estimate | 122,504,000 |
| House allowance | ................ |
| Committee recommendation | 113,529,000 |

The Committee recommends an appropriation of $113,529,000. This amount is $6,471,000 less than the 1988 appropriations to date, $113,529,000 more than the House allowance and $8,975,000 less than the budget request.

The Committee was advised that a recent study of the automation of the patent system will delay the effort and consequently a lesser amount is required in 1989.

## NATIONAL BUREAU OF STANDARDS

### SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

| | |
|---|---|
| 1988 appropriations to date | $144,783,000 |
| 1989 budget estimate | 158,039,000 |
| House allowance | ................ |
| Committee recommendation | 146,231,000 |

The Committee recommends an appropriation of $146,231,000, an increase of $1,448,000 over the 1988 appropriations to date. The amount recommended is $11,808,000 below the budget request and $146,231,000 above the House allowance.

The amount recommended will provide $2,148,000 for adjustments to base; maintain the Center for Fire Research and Center for Building Technology at current levels; and provide $2,000,000, which when combined with the unspent funding made available in fiscal 1988, will underwrite two regional centers for the transfer of manufacturing technology through 1989. The Committee has also provided $2,300,000 and 24 positions for the following program increases: $1,000,000 and 11 positions for activities in support of the Computer Security Act of 1987; $50,000 and 4 positions for chemical measurements and standards; $500,000 and 6 positions for lightwave measurement technology; and $300,000 and 3 positions for the evaluation of nonenergy-related inventions.

Within the amount recommended, the Committee has provided $250,000 to complete the Federal assistance to the Regional Radiation Calibration Center at the University of Arkansas. Funds were previously appropriated for this project in fiscal 1985.

The Committee received several letters recommending sites for the regional centers for the transfer of manufacturing technology. As was stated in last year's report (S. Rept. 100–182) with respect to these centers, which will transfer NBS's technology and expertise in automated manufacturing to small- and medium-sized firms, these centers are to be geographically distributed and shall serve as demonstration and training facilities to provide information and assistance on state-of-the-art manufacturing to American firms hard-pressed by foreign competition.

## NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $13,814,000 |
| 1989 budget estimate | 13,630,000 |
| House allowance | |
| Committee recommendation | 13,630,000 |

The Committee recommends an appropriation of $13,630,000, a decrease of $184,000 below the 1988 appropriations to date. The amount recommended is the same as the request and $13,630,000 more than the House allowance.

### PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING, AND CONSTRUCTION

| | |
|---|---|
| 1988 appropriations to date | $21,290,000 |
| 1989 budget estimate | |
| House allowance | |
| Committee recommendation | 21,590,000 |

The Committee recommends an appropriation of $21,590,000 an increase of $300,000 above the fiscal year 1988 appropriations to date. The amount recommended is $21,590,000 above the budget estimate and the House allowance. The administration recommended no funds for the continuation of this program which supplies assistance to public television and radio stations in meeting their facility, planning, and construction requirement. In fiscal 1987 there was a total of 115 grants awarded amounting to $19,242,538. The Federal assistance was matched with $13,817,862, or 71 percent of the total costs of the projects.

The additional $300,000 over the current level will maintain NTIA staff for this program.

### PEACESAT

As part of NTIA's appropriation for fiscal year 1988, there was included $1,700,000 for the PEACESAT project. The Committee recommends continuation of the $1,700,000 level for the second year of this program in fiscal year 1989.

The PEACESAT Program operated for 14 years, between 1971 and 1985, on an experimental NASA satellite [ATS-1]. The University of Hawaii effectively administered the program and will continue to play a major role in getting the user community back on line. Under the terms of the fiscal years 1988 and 1989 appropriations, NTIA will be responsible for overseeing PEACESAT and finding the necessary space segment to replace the defunct ATS-1 satellite.

The Soviet Union and Japan are attempting to expand their economic and political influence in the Pacific, an area vital to United States security interests. It is important that the United States maintain its support for the PEACESAT Program, which serves American Samoa, Australia, Belau, Costa Rica, the Cook Islands, the Federated

States of Micronesia, Fiji, French Polynesia, Guam, Jamaica, Japan, Kiribati, the Marshall Islands, Mexico, Niue, New Caledonia, New Zealand, Papua New Guinea, the Solomon Islands, Thailand, Tonga, Tuvalu, Vanuatu, Western Samoa, and the United States.

PEACESAT provides instant and informal communication among small communities in the Pacific Islands and larger countries along the Pacific Rim. The system is used to transmit scientific, educational, and health information and links the users in a pan-Pacific communications network. Credit for the program and much of the vital information which flows along the network goes to the United States.

Previous participants in the PEACESAT network have agreed to pay for their own Earth stations. Given the limited economic resources available to many small Pacific Islands, this commitment demonstrates the level of support for, and importance of, the PEACESAT Program in the Pacific.

### GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

The Committee has inserted several general provisions not in the House bill with regard to the Department of Commerce, as follows:

Section 103 restores language to prohibit the use of funds to sell, or to contract with private interests to sell or administer, any loans made under the Public Works and Economic Development Act of 1965 or any loans made under section 254 of the Trade Act of 1974.

Section 104 restores language to allow the National Bureau of Standards to accept contributions to construct a facility for cold neutron research on materials.

Section 105 restores and makes permanent language to provide for the payment of contingent liability in contracts for the advanced weather interactive processing system [AWIPS–90].

### PROCESS PATENT AND PATENT LAW FOREIGN FILING AMENDMENTS

The Committee recommends two new sections providing for the process patent and patent law foreign filing amendments.

The Committee finds that these process patents amendments are much needed to strengthen process patent protection. This legislation passed the Judiciary Committee unanimously as title I of S. 1200 and represents the culmination of 3 years of work leading to a carefully tailored compromise package.

This process patent reform significantly promotes American competitiveness by preventing foreign companies from pirating American process patents and then selling the products in the United States. Enhancing process patent protection means protecting American technology, spurring investment and innovation, and stimulating domestic employment.

The process patent amendments provide that the importation into, or use or sale within, the United States of a product made abroad without authorization using a process patented in the United States is an infringement of the patent. Further, the legislation provides process patent owners a forum in the Federal courts for recouping damages due to such infringing activities. This legislation gives process patent owners the right to exclude others from using or selling in the United States, or importing into the United States products made by that process. Any such unauthorized act becomes an act of patent infringement under title 35, United States Code.

Current patent law does not reach the foreign pirating of American innovations when the products are manufactured abroad and then shipped back to the United States. As compared with those of our major trading partners, the inadequate protection contained in U.S. patent law has emerged as a major factor in the dynamics of global innovation and economic competition. In contrast to Japan and nearly all of the Western European nations, the United States does not provide patent protection against the importation, and subsequent use or sale, of products made abroad without authorization using a process patented in the United States. Instead, a limited, nonpatent form of protection is afforded under the trade laws (19 U.S.C. 1337a) enforced by the International Trade Commission [ITC].

The priority of correcting this problem was first recognized in 1966 by President Johnson's Commission on the Patent System. The need for modernization of the patent law was also raised in 1979 by President Carter's domestic policy review on industrial innovation, and again in 1985 by President Reagan's Commission on Industrial Competitiveness. More recently, it was included in President Reagan's competitiveness initiative of 1987 as well as being strongly endorsed by the President's Commission on Industrial Competitiveness in 1984.

America's leading position in technological innovation throughout the world is credited in large part to the stimulus of its patent system. Since the birth of our Nation, patents have been given protection under article 1, section 8, of the U.S. Constitution which states, "The Congress shall have power * * * to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writing and discoveries * * *."

Currently, the U.S. patent laws recognize three basic types of inventions for which patents may be obtained: Products, methods of use, and methods of manufacture. Patents on the last are also known as process patents, that is, patents on process inventions. A process patent covers a process for making a product, which may or may not be patented itself. Process patents promise to be increasingly important to a number of industries in the coming years, especially in the areas of industrial and pharmaceutical chemicals, optical fibers, and in the fields of biotechnology and bioengineering research.

An integral part of the debate on strengthening U.S. process patent protection has been the nonpatent alternative remedy under the trade laws against importation of products made abroad using a process patented in the United States (section 337a of the Tariff Act of 1930, 19 U.S.C. §1337a). Section 337a originated in 1922 as an antidote to a range of unfair methods of competition in import trade. It was not widely used until the 1974 strengthening amendments providing for more timely and effective remedies, the principal change being that the ITC was given full authority to order remedies, subject only to veto by the President for policy reasons. In process patent cases brought before the ITC, the available remedies under section 337a are exclusion of the goods from entry, and, if the goods have already entered, cease and desist orders against particular firms that have received them.

The ITC, unlike a Federal court in a patent infringement suit, can award no damages. Payment of damages to the patentholder has the effect of compensating inventors for the economic injury due to the infringement, and also acts as a deterrent against future infringements. Furthermore, the tests that must be met to win an ITC order excluding the infringing products are more elaborate than in a Federal court action where all that is necessary is to show infringement. In contrast, even in the best of circumstances, where the full ITC remedy is obtained, the patentholder is saddled with an expensive and burdensome proceeding, with no prospect of having his injury compensated, only brought to a halt prospectively. By the same token, the ITC remedy has little deterrent value. Foreign manufacturers are not punished for simply infringing U.S. process patents by importing their products into the country until they are enjoined, with no further penalty. Still, the ITC forum will remain a useful supplement in process patent infringement situations after this measure is enacted. The ITC can provide speedy and comprehensive injunctive relief (covering many ports of entry in a single proceeding) while the patentholder awaits the outcome of the trial in the Federal court to obtain damages.

These amendments limit remedies against noncommercial users or retailers by requiring exhaustion of remedies against importers and non-retailer sellers. It should be noted that many of the products produced by patented processes are themselves used in the manufacture of another product which is introduced into commerce. Consider a process patent held on a method for preparing a plasmid or other vector. The use of the plasmid or vector to insert a new gene into a living cell, instructing the cell to produce an important human protein (such as insulin or interferon) which will then be separated from the fermentation mash, purified, and packaged into single dosage forms, is a commercial use and is ineligible for the limited protection granted to noncommercial uses. The field of biotechnology is particularly susceptible to commercial uses without sales. For example, a patent may cover a process for producing a micororganism using recombinant DNA technology. The microorganism is then used to produce a particular commercial end-product of great value. The bill's provisions limiting remedies against users are not intended to apply to such commercial uses. The Committee believes that without expeditious remedies against use-based infringement, merely stopping nonretail sale of the microorganism after its entry into the country fails to prevent commercial use of the microorganism.

In the biotechnology field it is well known that all living organisms contain within them particular genetic sequences composed of unique structural characteristics. The patented process may be for the process of preparing a DNA molecule comprising a specific genetic sequence. A foreign manufacturer uses the patented process to prepare the DNA molecule which is the product of the patented process. A foreign manufacturer inserts the DNA molecule into a plasmid or other vector and the plasmid or other vector containing the molecule is, in turn, inserted into a host organism; for example, a bacterium. The plasmid-containing host organism still containing the specific genetic sequence expresses that sequence to produce the desired polypeptide. If it would not have been possible or commercially viable to make the different organisms and product expressed therefrom but for the patented process, the product will be considered to have been made by the patented process, even if a different organism was created by this biotech procedure.

The legislation provides that products which are trivial and nonessential components of another product are excluded from liability. In order to ensure protection of the interests of domestic importers as well as domestic manufacturers, the measure provides no remedies against products in possession or intransit at the time of notice.

Furthermore, the measure provides that compliance with the request for disclosure provision is evidence of good faith in an infringement action and presumes that a product has been made by the patented process if the court finds there is a substantial likelihood that the product was made in violation of the process patent and the claimant has made a reasonable effort to determine the process actually used. The measure allows for a reasonable time in replying to a request for disclosure. The Committee expects that a reasonable time for response to a request for disclosure shall ordinarily be no more than 60 days. In the event of mitigating circumstances, the burden to show why 60 days is not sufficient lies with the party failing to comply. In the event of a request for disclosure that is made to a person with a patent license (exclusive or nonexclusive) the recipient of such a request has the choice of either a direct response or of passing the request for disclosure on to the licensor.

In addition, an exemption is provided from the request for disclosure provisions. A person who has marked that number of the patent covering the process used to make the product that the person sells in the United States is not required to respond to a request for disclosure. The Committee recognizes that products may already be in the stream of commerce or about to be manufactured at the time of enactment. Thus, a transition period is provided to allow for an exhaustion of packaging inventory. The marking requirement is derived from existing section 287 of title 35, United States Code. When referring to the option of marking products to avoid a response to a request for disclosure, the Committee contemplates that the marking appear on the immediate packaging of the product or if marking the package is not feasible on the product produced by the process patent itself.

The legislation requires that a person who has received a response to a request for disclosure shall pay to the party to whom the request is made a reasonable fee to cover the actual costs of complying with the request. The reimbursement of reasonable costs shall occur after the response, thereby not delaying in any way the request for disclosure. These reasonable costs shall be subject to three caps: First, the actual cost of any activity undertaken to comply with the request is the first limit and reasonable costs may not in any event exceed this actual cost; second, the reimbursement may not exceed the cost of a commercially available automated patent search of the matter involved; and third, in no event may reasonable costs exceed $500, a formal patent search not being required. Finally, a request for disclosure for purposes of this provision applies separately to each product. For example, a request for disclosure on two products triggers two separate reimbursements.

The notice that triggers infringement liability is actual knowledge, or receipt of a written notification, or a combination thereof, of information sufficient to persuade a reasonable person it is likely that a product was made by an infringing process. The provision does not provide an explicit requirement that, as part of the notification process, the patent owner set forth such person's actual knowledge of any commercially feasible process other than the patented process which is capable of producing the allegedly infringing product. However, the Committee expects that some patent owners will find it necessary to discuss other processes to meet the requirements of providing "such information * * * as is reasonably necessary to fairly explain [their] belief," that an infringing process was used. The factual basis for the belief that an infringing process has been used can also be shown by an indication that the protected process contains certain impurities that do not exist with respect to other alternative processes. Similarly, gross price disparities between the cost associated with use of the protected process and all others may be sufficient to meet this test.

The term "mitigating circumstances" in section 287(b)(5)(C) is meant to encompass the death or incapacity of the person who was intended to make the submission or an inability to locate the manufacturer/supplier due to his no longer being in business, or inability of the manufacturer to respond to the submission because such manufacturer has gone out of business. A person who receives a written notification described in subparagraph (B) or a written response to a request for disclosure described in paragraph (4) shall be deemed to have notice of infringement with respect to any patent referred to in such written notification or response unless that person, absent mitigating circumstances: First, promptly transmits the written notification or response to the manufacturer of, if the manufacturer is not known, to the supplier, of the product purchased by that person; and second, receives a written statement from the manufacturer or supplier which sets forth a well grounded factual basis for a belief that the identified patents are not infringed. The term "on its face" refers to the four corners of the written statement received by the person making the request for disclosure.

The process patent amendments establish an effective date of 6 months following the date of enactment for goods imported after such effective date. Persons in business using, selling, or importing goods already in production on January 1, 1988, are exempt, except those who are parties in certain cases before the ITC. Reports on the effect of the legislation are submitted by the Secretary of Commerce.

The Committee rejects the view that the United States purchaser from an overseas manufacturer who makes goods using a process patented in the United States has no responsibility for the patent infringement involved. Absent mitigating circumstances, it should be the burden of business entrepreneurs who purchase goods to check beforehand for possible infringement, whether of product or process patents. They do so now in the case of product patents, and this measure will encourage them to do so with respect to process patents. It is reasonable to expect that the more conscientious and legitimate importers will indeed concern themselves to a greater degree with the question of whether the goods they are importing infringe a U.S. patent, if this reform is enacted, because such importers may find themselves otherwise enmeshed in litigation that may be more expensive than the importation is worth to them.

The first target that the U.S. process patentholder will pursue is the overseas manufacturer itself, who is practicing the process and importing the resulting goods here. If that manufacturer is subject to the jurisdiction of the U.S. courts because of its business contacts with this country, then that foreign manufacturer would be the preferred defendant in the suit by the U.S. patentholder. But since the manufacturer is in many cases not accessible in this way, the process patent amendments, also allow the patentholder an action against the persons receiving the goods in this country from the manufacturer, who are also responsible and in the best position apart from the manufacturer to determine how the goods were made.

The Committee notes that these amendments do nothing to change current law or practice regarding parallel imports, sometimes known as gray market goods. This legislation is not intended to address the issue of parallel or gray market imports.

The Committee recognizes that enactment of this measure will greatly strengthen intellectual property rights. We must act quickly to correct the existing inequity in process patent law and thereby protect the interests of American inventors and the ability of American business to remain competitive in highly technological markets.

The patent law foreign filing amendments permit an applicant to file "modification, amendments and supplements containing additional subject matter," with a foreign patent office without procuring a special license. This is a needed clarification in situations in which an inventor may be granted a retroactive license.

# TITLE II—DEPARTMENT OF JUSTICE

The total amount of new budget authority recommended by the Committee for the Department of Justice is $5,462,978,000, which is $444,474,000 more than the 1988 appropriation, $555,539,000 less than the budget estimates, and $5,187,978,000 over the House allowance for the Department.

Due to budgetary constraints, the Committee has provided only a 1-percent increase to most activities within the Department of Justice. However, with the limited resources available, the Committee gave priority increases to support for U.S. prisoners, the Federal Bureau of Investigations, the Drug Enforcement Administration, the Immigration and Naturalization Service, and the operating expenses of the Bureau of Prisons. The Office of Justice Assistance programs were necessarily funded at the fiscal year 1988 level.

## GENERAL ADMINISTRATION

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $88,360,000 |
| 1989 budget estimate | 100,802,000 |
| House allowance | .................. |
| Committee recommendation | 89,244,000 |

The Committee recommends an appropriation of $89,244,000, an increase of $884,000 over the 1988 appropriations to date. The amount recommended is $11,558,000 less than the budget request but $89,244,000 more than the House allowance.

This appropriation funds the development of policy objectives and the management of the Department and two organizations responsible for the administrative review and appeal of decisions relating to individuals: the Executive Office for Immigration Review and the Pardon Attorney.

## U.S. PAROLE COMMISSION

| | |
|---|---|
| 1988 appropriations to date | $11,665,000 |
| 1989 budget estimate | 10,893,000 |
| House allowance | .................. |
| Committee recommendation | 10,893,000 |

The Committee recommends an appropriation of $10,893,000, $772,000 below the 1988 appropriations to date. The amount recommended is the same as the budget estimate and $10,893,000 more than the House allowance. The Committee recommendation reflects the beginning of the Parole Commission's phasedown and the implementation of the sentencing reform guidelines.

The U.S. Parole Commission is an independent body within the Department of Justice which makes decisions regarding the granting or denial of parole, conditions of parole, supervision of parolees and mandatory releases, recommitment in the event of violation of the conditions of supervision, and termination of supervision as outlined in the 1976 Parole Commission and Reorganization Act.

## LEGAL ACTIVITIES

### GENERAL LEGAL ACTIVITIES

| | |
|---|---|
| 1988 appropriations to date | $237,209,000 |
| 1989 budget estimate | 270,186,000 |
| House allowance | |
| Committee recommendation | 240,591,000 |

The Committee recommends an appropriation of $240,591,000, an increase of $3,382,000 over 1988 appropriations to date. The amount recommended is $29,595,000 less than the budget request but $240,591,000 more than the House allowance. The Committee allowance includes up to $6,000,000 for litigation support contracts to remain available through September 30, 1990, and up to $5,000,000 for office automation systems for the litigating components of the Department.

This appropriation supports the Attorney General through the establishment of litigative policy, conduct of litigation, and various other legal responsibilities, through the Office of the Solicitor General, the Tax Division, the Criminal Division, the Office of Legal Counsel, the Civil Rights Division, the Land and Natural Resources Division, the Civil Division, and Interpol.

## ANTITRUST DIVISION

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $44,937,000 |
| 1989 budget estimate | 47,021,000 |
| House allowance | |
| Committee recommendation | 45,386,000 |

The Committee recommends an appropriation of $45,386,000, an increase of $449,000 over the 1988 appropriations to date. The amount recommended is $1,635,00 less than the budget request but $45,386,000 more than the House allowance.

The Antitrust Division acts on antitrust cases before the Supreme Court as authorized by the Solicitor General; represents the interests of the United States in the courts of appeals in all civil and criminal cases brought by the United States under the Federal antitrust laws; reviews certain decisions of the Interstate Commerce Commission, the Federal Communications Commission, the Federal Maritime Commission and the Nuclear Regulatory Commission, and prepares an appeal position for the United States; and prepares and files amicus briefs in the district courts, the courts of appeals and the Supreme Court in selected private antitrust cases.

### PIPELINE STUDY

The Committee notes that there are presently several bills pending before Congress which would deregulate crude oil and petroleum product pipelines, and pipelines carrying anhydrous ammonia, natural gas liquids, and propane. In 1986, the Department of Justice [DOJ] completed a competitiveness study of crude oil and petroleum product pipelines. They determined that all crude oil pipelines in the United States are competitive, as are most product pipelines. However, the Committee is concerned that the Department did not study the anhydrous ammonia, natural gas liquids, or propane pipelines at that time.

The pipelines industry and the administration are working together to draft a consensus bill for presentation to the Congress. Included in that bill is the direction for the Department to study the yet unstudied pipelines after enactment, and make recommendations for deregulation or continued regulation. It is the position of the Committee that it would assist the Congress in its consideration of any pipeline deregulation bills for the Department to now analyze the competitiveness of the previously unstudied pipelines.

Therefore, the Committee instructs the Antitrust Division of the Department to study the competitiveness of the anhydrous ammonia, natural gas liquids, and propane pipelines and that the results of this study be reported back to the Committee by April 1, 1989.

## U.S. ATTORNEYS

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $380,339,000 |
| 1989 budget estimate | 424,418,000 |
| House allowance | |
| Committee recommendation | 391,212,000 |

The Committee recommends an appropriation of $391,212,000 for the activities of U.S. attorneys. The recommendation is $10,873,000 more than the 1988 level, $33,206,000 less than the budget request but $391,212,000 more than the House allowance.

The primary mission of the U.S. attorneys is to execute the function of being the principal litigators of the U.S. Government. It is their task to prosecute those who mock our Nation's criminal laws, to protect the public from those who would further their private interests at the expense of the general welfare, to protect the legitimate powers of the Federal Government from those who would usurp such powers, and to assert affirmatively, through the courts, those national policies established by Congress, the administration and the Attorney General. This mission is accomplished by 94 district offices in the United States, Puerto Rico, the Virgin Islands, Guam and the Northern Marianas. The

U.S. attorneys' appropriation consists of six programs. These programs are: Criminal litigation, civil litigation, debt collection, organized crime drug enforcement, legal education, and management and administration.

### SOUTHERN DISTRICT OF FLORIDA

The Committee is sensitive to the fact that the U.S. attorneys office of the southern district of Florida has an extremely unique and burdensome workload that reflects cases with international and national implications as well as to the district itself. Such cases include those involving top government leaders of the Caribbean, the Bahamas, and Central and South America. In addition, major international cases involving money laundering and bank secrecy have made significant demands on staff and resources. Moreover, the geographical location of the southern district office in Miami has prompted numerous cases with large number of defendants made by the Coast Guard, Customs Service, DEA, and FBI against those who attempt to smuggle large quantities of illegal drugs into the United States.

Such caseload has been managed in an office that according to U.S. attorney office statistics, has 32 percent of the criminal cases and 40 percent of the criminal trials of the seven largest district, but only 16 percent of the full-time attorney slots. The Committee is very concerned that this obvious imbalance will result in cases being dismissed or delayed. And, because the U.S. attorneys office of the southern district of Florida has a unique and direct correlation with the overall U.S. drug policy and its effectiveness, the Committee feels compelled to direct full-time attorney slots to assist with the workload of the southern district of Florida.

### U.S. TRUSTEE SYSTEM FUND

| | |
|---|---|
| 1988 appropriations to date | $47,370,000 |
| 1989 budget estimate | 59,493,000 |
| House allowance | ............ |
| Committee recommendation | 47,784,000 |

The Committee recommends a total of $47,784,000 for the U.S. Trustees Program, to be derived from fees collected pursuant to Public Law 99–554, for the expenses of the U.S. trustees.

Fiscal year 1989 represents the third year of expansion pursuant to the Bankruptcy Judges, U.S. Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99–554), but the first year in which the account is funded entirely through fees. Public Law 99–554 established a U.S. trustee system fund in the U.S. Treasury and provided for the collection and deposit of filing fees and maintenance charges into the fund to finance program operations. The system of fees and charges produces sufficient revenue to cover program costs.

## FOREIGN CLAIMS SETTLEMENT COMMISSION

| | |
|---|---|
| 1988 appropriations to date | $500,000 |
| 1989 budget estimate | 472,000 |
| House allowance | .............. |
| Committee recommendation | 472,000 |

The Committee recommends an appropriation of $472,000, a decrease of $28,000 from the 1988 appropriations to date. The amount recommended is the same as the budget estimate but $472,000 above the House allowance.

The Committee recommendation reflects requested amounts for uncontrollable increases as well as a decrease because of the substantial completion of current and past programs involving claims of U.S. nationals for losses of property through confiscation, expropriation, or other means in foreign countries.

The principal mission of the Foreign Claims Settlement Commission is to settle the claims of American citizens arising out of nationalization, expropriation, or other takings of their properties and interest by certain foreign governments. The Commission also serves in an advisory capacity to other Government agencies in matters of policy on claims of the United States against foreign governments.

## U.S. MARSHALS SERVICE

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $183,168,000 |
| 1989 budget estimate | 207,582,000 |
| House allowance | .................... |
| Committee recommendation | 185,000,000 |

The Committee recommends an appropriation of $185,000,000 for the U.S. Marshals Service. This is $1,832,000 more than the 1988 level and $185,000,000 more than the House allowance. The recommendation is $22,582,000 less than the budget request.

The Federal Government is represented in each of the 94 judicial districts by a U.S. Marshal. The primary mission of the U.S. Marshals Service is responsibility for the protection of the Federal judiciary, protection of witnesses, execution of warrants and court orders, and custody and transportation of unsentenced prisoners. It is the principal support force in the Federal judicial system and an integral part of the Federal law enforcement community.

### SUPPORT OF U.S. PRISONERS

| | |
|---|---|
| 1988 appropriations to date | $73,746,000 |
| 1989 budget estimate | 118,265,000 |
| House allowance | .................. |
| Committee recommendation | 87,649,000 |

The Committee recommends an appropriation of $87,649,000, an increase of $13,903,000 over 1988 appropriations to date. The amount recommended is $30,616,000 below the budget request but $87,649,000 above the House allowance. This appropriation covers the costs of care and housing of Federal prisoners in contract detention facilities. The Committee recommendation includes an increase of $11,150,000 to fund jail days and increased costs of medical care and guard service and $5,000,000 for the Cooperative Agreement Program [CAP] which will enable selected State and local governments to renovate, construct, and equip correctional facilities in exchange for the guarantee of additional beds for unsentenced Federal prisoners in the future.

### FEES AND EXPENSES OF WITNESSES

| | |
|---|---|
| 1988 appropriations to date | $53,015,000 |
| 1989 budget estimate | 51,569,000 |
| House allowance | .................... |
| Committee recommendation | 51,569,000 |

The Committee recommends an appropriation of $51,569,000, a decrease of $1,446,000 from the 1988 level. The recommendation is the same as the budget request, but $51,569,000 above the House allowance. This decrease reflects a pattern of attrition among protected witnesses that has developed over the past several years.

This appropriation provides for fees and expenses of witnesses who appear on behalf of the Government in cases in which the United States is a party, including fact and expert witnesses, mental competency examinations, and witness protection.

## COMMUNITY RELATIONS SERVICE

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $27,858,000 |
| 1989 budget estimate | 28,815,000 |
| House allowance | .................... |
| Committee recommendation | 28,137,000 |

The Committee recommends an appropriation of $28,137,000, an increase of $279,000 over the 1988 appropriations to date. The amount recommended is $678,000 less than the budget request but $28,137,000 more than the House allowance.

The Community Relations Service was established by title X of the Civil Rights Act of 1964 to provide assistance to communities in resolving disagreements arising from discriminatory practices. The Service is also responsible for administering the program of assistance for Cuban and Haitian entrants, as mandated by section 501(c), title V of the Refugee Education Assistance Act of 1980.

## ASSETS FORFEITURE FUND

| | |
|---|---|
| 1988 appropriations to date | $86,500,000 |
| 1989 budget estimate | 200,000,000 |
| House allowance | 200,000,000 |
| Committee recommendation | 147,056,000 |

The Committee recommends a total of $147,056,000 for the Assets Forfeiture Fund. This is $52,944,000 less than the budget request and the House allowance.

The recommendation includes amounts for nonreimbursable and program-related expenditures (payment of rewards for information, retrofitting of conveyances, and purchases of evidence, ADP lease or purchase, training, and printing), and for the asset-specific expenditures payable from the fund (expenses of seizing and managing property, payment of liens, and expenses of remission or mitigation and equitable sharing payments to State and local law enforcement agencies).

The Committee has placed an obligation limitation of $147,056,000 on the fund but has included bill language requiring the Department to fund asset-specific expenses, including equitable sharing payments, prior to funding programmatic enhancements.

The Committee is concerned over the growth in adoptive forfeitures, those forfeitures in which Federal law enforcement agencies did not directly participate in the seizure of the assets. The Committee directs the Department to provide quarterly reports on the number and amount of adoptive forfeitures processed.

### PROGRAM-RELATED EXPENDITURES

The Committee is aware that under expanded authorities contained in the Anti-Drug Abuse Act of 1986, Public Law 99–554, the Federal Bureau of Investigation, Drug Enforcement Administration, U.S. Marshals Service, Immigration and Naturalization Service and the Department's Criminal Division may bill the Assets Forfeiture Fund for program-related expenses in the areas of ADP, awards, purchase of evidence, retrofitting of vehicles and training. The Committee directs the Department to submit quarterly reports on the levels authorized for program-related expenditures for each of the agencies, as well as actual billings which have occurred. In addition, the Committee fully expects that the Department will comply with established reprogramming guidelines if billings to the fund should reduce or eliminate the need for appropriated funds in these areas.

## FEDERAL BUREAU OF INVESTIGATION

| | |
|---|---|
| 1988 appropriations to date | $1,388,492,000 |
| 1989 budget estimate[1] | 1,518,407,000 |
| House allowance | ...................... |
| Committee recommendation | 1,424,977,000 |

[1] The amount of $15,100,000 is requested in Navy budget request.

The Committee recommends an appropriation of $1,424,977,000, an increase of $36,485,000 over the 1988 appropriations to date. The amount recommended is $93,430,000 less than the budget request but $1,424,977,000 more than the House allowance.

The Committee recommendation includes $7,500,000 to help defray the costs associated with the development of a language translation system.

The Committee also includes $15,100,000 for the FBI's activities in connection with the INF treaty, the details of which are necessarily classified.

The Committee is aware and supportive of the FBI's utilization of appropriated funds to conduct training in the United States and abroad for foreign law enforcement personnel as an extension of training programs designed for State and local officers and to enhance the FBI's mission to conduct investigations which develop an international character.

## DRUG ENFORCEMENT ADMINISTRATION

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $494,076,000 |
| 1989 budget estimate | 538,072,000 |
| House allowance | |
| Committee recommendation | 503,219,000 |

The Committee recommends an appropriation of $503,219,000, an increase of $9,143,000 over the 1988 appropriations to date. The amount recommended is $34,853,000 less than the budget request but $503,219,000 more than the House allowance.

The Committee recommendation includes $4,202,000 to help meet priority needs in drug enforcement activities above the 1-percent increase otherwise provided.

## IMMIGRATION AND NATURALIZATION SERVICE

| | |
|---|---|
| 1988 appropriations to date | $741,114,000 |
| 1989 budget estimate | 859,276,000 |
| House allowance | |
| Committee recommendation | 804,323,000 |

The Committee recommends an appropriation of $804,323,000, an increase of $63,209,000 over the 1988 appropriations to date. The amount recommended is $804,323,000 more than the House allowance but $54,953,000 less than the budget estimate.

The Committee recommendation restores a portion of the $65,147,000 in unobligated carryover balances used to fund this appropriation in fiscal year 1988.

The Committee did not approve the requested language change which would have removed the authority to purchase uniforms without regard to the general purchase price limitation for the current fiscal year. This language will allow for the purchase of uniforms needed in performance of normal duties.

Section 209 of this act provides authority for the INS to retain increases in adjudications fees as designated by the Attorney General through Federal regulations which take effect on or after October 1, 1988. These fees will offset the costs of providing adjudication and naturalization services.

### INDOCHINESE REFUGEE PROCESSING

The Committee remains dedicated to providing sufficient resources for the orderly processing of refugees under the authority of the Refugee Act of 1980. Last year the Committee took issue with the processing performance of the Immigration and Naturalization Service [INS] with respect to Southeast Asia refugee cases and humanitarian parole petitions. The Committee commends the INS for the improved consistency and fairness of its 1988 processing effort and urges further streamlining of its interviewing procedures. The Committee is concerned that the reliance by the INS on the ethnic affairs officer [EAO] notes has added to the delays and confusion in processing, particularly with respect to cases at Khao I Dang which were denied by the INS because of faulty findings by the EAO's. While the EAO system was not designed by the INS, its continued use threatens U.S. commitments to ASEAN countries because of the growing number of not qualified cases. The Committee urges the INS to reconsider all previosuly rejected Khao I Dang and so-called ration card holder cases where reviews have been conducted of faulty EAO findings and a determination has been made by the Department of State that a representation of the case is merited. The Committee acknowledges that the controversy over the indiscriminate rejection of Khao I Dang cases is principally owing to the flawed EAO system and encourages swift INS reconsideration so that the United States can finish processing at this camp.

The Committee found the quarterly processing reports of the INS as mandated by last year's report, to be of particular assistance in assessing the processing performance of the INS worldwide. Therefore, the INS is directed to provide the Committee quarterly reports on refugee approvals and rejections worldwide, broken down by country of origin. In addition, the INS is directed to provide information on the number of individuals paroled into the United States under the Attorney General's humanitarian parole authority, again broken down by country of origin. In the case of Southeast Asia, the figures are to be further divided into those presented, approved, or denied in groups I, II, and III (under the current system of classification separating immigrant visas, other close relatives, and extraordinary circumstance cases). These quarterly reports shall be made available to the Committee not less than 30 days after the end of each quarter.

In view of the fact that the Government of Vietnam has requested weekly interviews of ODP and Amerasian cases, and because of the importance of first asylum processing in Thailand, the Committee requests the INS to consider providing two new permanent officers to the Bangkok office above the 1988 level, and to use TDY assistance when necessary. Delays in processing due to insufficient allocations of INS officers would seriously jeopardize U.S. commitments in these areas. The INS is directed to provide quarterly projections of staffing needs and staffing availability, and the shortfall if any, and shall include with this information the refugee processing projections and underlying assumptions upon which these staffing projections are made. Specifically, the INS is to provide the caseload number, broken down by region and by ethnic group, it expects to process worldwide during each quarter of fiscal year 1989. These reports shall be made available to the Committee not less than 15 days before the beginning of each quarter, and shall be amended during the quarter if the underlying assumptions upon which INS projections are based change. Last year's reports were of considerable assistance to the Committee in overseeing INS staffing requirements and program operations.

### STATUS OF FEASIBILITY STUDY FOR TELEPHONE VERIFICATION FOR ALIEN EMPLOYMENT ELIGIBILITY

The Committee understands the pilot study mandated by Congress to determine the feasibility of telephone verification for alien employment eligibility is in the final stages of development. Several employers have been contacted, but actual participants have yet to be determined. The alien status verification index, housed by Martin Marietta Data Systems in Orlando, FL, is the data base that will be used to support this effort. The pilot will be conducted over a 2-year period. Upon completion of the study, Congress will make a determination as to whether or not a nationwide system should be created. Should this system be approved, a contract to the public sector will be offered for competitive bid.

### SOUTHWEST BORDER

A multiyear program has been initiated by the Congress to repair, renovate, and construct border facilities from Texas to California. In view of the potential need to commit additional staffing resources to these facilities, the Committee directs the Service to review its current and future staffing needs along the Southwest border. The report should assess the need for a reallocation of personnel or additional personnel, and should be transmitted to the Appropriations Committees by March 1, 1989.

## Federal Prison System

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $719,814,000 |
| 1989 budget estimate | 970,195,000 |
| House allowance | |
| Committee recommendation | 963,012,000 |

The Committee recommends an appropriation of $963,012,000, an increase of $243,198,000 over fiscal year 1988 appropriations to date. The recommendation is $7,183,000 less than the budget request but $963,012,000 over the House allowance.

These funds provide for the operation and maintenance of correctional institutions and community-based facilities; subsistence costs including medical care for offenders confined in these facilities; cost of administering inmate programs, including academic, social, occupational education, drug and alcohol addict treatment, and mental health programs; and program direction and management support costs of the central and regional offices.

The Committee's recommendation provides uncontrollable increases for the Federal Prison System and program enhancements of $191,784,000. This increase in funding will permit the activation of new facilities; improve staffing at existing institutions; finance the care and subsistence of an increasing inmate population; provide for the replacement of Federal Prison Industries equipment destroyed during Mariel Cuban disturbances in Atlanta, GA, and Oakdale, LA; and fund contract confinement.

The Committee supports the continuation of the prison MATCH Program (mothers and their children) or similar parenting programs in Federal Prison System institutions that house female inmates. These programs facilitate visits between children and their inmate parents. The programs provide a needed service to incarcerated parents and their families by providing facilities for visits, help with transportation, and social services.

## PRIVATIZATION

The Committee has denied the Department's request to contract with the private sector for the operation of a minimum security Federal prison. While the Bureau of Prisons has and continues to contract with private sector firms for the detention of juveniles and specialized adult populations, such as aliens, the budget proposes contracting with a private company for the operation and management of an entire typical minimum security prison.

The Committee notes that utilizing private sector detention firms for specialized inmate populations may be appropriate but feels the budget proposal affecting a Federal minimum security facility signals the first step in the privatization of the Federal Prison System and opposes such a move.

Hereafter, any expansion in the use of contract confinement, between the private sector and the Federal Prison System other than the contract community treatment centers shall be submitted to the Committee under reprogramming guidelines contained in section 607 of this act.

## NATIONAL INSTITUTE OF CORRECTIONS

| | |
|---|---|
| 1988 appropriations to date | $9,590,000 |
| 1989 budget estimate | 9,821,000 |
| House allowance | |
| Committee recommendation | 9,686,000 |

The Committee recommends an appropriation of $9,686,000, an increase of $96,000 over the 1988 appropriations to date. The amount is $135,000 less than the budget request but $9,686,000 more than the House allowance.

The National Institute of Corrections works with State and local governments to assist them in developing and training their corrections staff, to conduct and support research regarding ways to improve correctional programs and to serve as a clearinghouse for information on improvements in corrections.

### BUILDINGS AND FACILITIES

| | |
|---|---|
| 1988 appropriations to date | $201,676,000 |
| 1989 budget estimate | 525,213,000 |
| House allowance | ............ |
| Committee recommendation | 203,693,000 |

The Committee recommends an appropriation of $203,693,000, an increase of $2,017,000 above 1988 appropriations to date. The amount recommended is $321,520,000 less than the budget request and $203,693,000 more than the House allowance.

The Committee's recommendation includes $49,700,000 for the construction of one medium security Federal correctional institution to be located in the Southeast; $52,000,000 for construction of a Federal detention center to be located in the Northeast; $29,950,000 for capacity expansion projects at six existing prisons; and $72,043,000 for modernization and repair projects at existing institutions.

The Committee has also included bill language to allow the transfer of funds to cover emergency operational expenses which may arise in the future, such as those associated with the Mariel Cuban disturbances.

The Committee has not approved the Department's request for authority to enter into lease agreements.

### FEDERAL PRISON INDUSTRIES, INC.

### (LIMITATION ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES)

| | |
|---|---|
| 1988 appropriations to date | ($9,918,000) |
| 1989 budget estimate | (10,051,000) |
| House allowance | ............ |
| Committee recommendation | (10,051,000) |

The Committee includes the requested authority for the Federal Prison Industries, Inc., to make expenditures, contracts, and commitments necessary for carrying out its programs. In addition, the Committee includes language setting limitations of $2,374,000 on the amount of corporation funds available for administrative expenses, and $7,677,000 on the amount available for the vocational training of prisoners. The total recommended amounts are the same as the budget estimate and $10,051,000 more than the House allowance.

Federal Prison Industries, Inc., is entirely self-sustaining. The Corporation, which was established in 1934, is authorized to operate industries in Federal penal and correctional institutions and disciplinary barracks. Profits from the Corporation's industrial activities are used to fund inmate vocational training and to compensate inmates performing outstanding services in institutional operations.

## OFFICE OF JUSTICE PROGRAMS

### JUSTICE ASSISTANCE

| | |
|---|---|
| 1988 appropriations to date | $229,075,000 |
| 1989 budget estimate | 78,017,000 |
| House allowance | 75,000,000 |
| Committee recommendation | 229,075,000 |

The Committee recommends an appropriation of $229,075,000, the same as the 1988 appropriations to date. The amount recommended is $151,058,000 more than the budget request and $154,075,000 more than the House allowance.

The Office of Justice Programs is comprised of a number of separate and distinct programs. The Committee's recommendations for the program level for those programs are as follows:

| | |
|---|---|
| National Institute of Justice | $21,605,000 |
| Bureau of Justice Statistics | 19,986,000 |
| Emergency assistance | 1,200,000 |
| Antidrug Abuse Program | 70,000,000 |
| Office of Juvenile Justice and Delinquency Prevention | 66,692,000 |
| Missing and abused children's programs | 4,000,000 |
| Public Safety Officers' Benefits Program | 10,000,000 |
| Mariel Cuban Program | 5,000,000 |
| Regional information sharing system | 12,000,000 |
| State and local assistance, discretionary program | 3,300,000 |
| Management and administration | 15,832,000 |
| Total | 229,075,000 |

### JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The Committee recommendation includes $66,692,000 for grants and administrative expenses for the Juvenile Justice and Delinquency Prevention Program for which there was no budget request. This amount will maintain the current dollar level of grants for this program. Included within this amount are the necessary funds for administration of the program. The Committee recommendation includes $2,400,000 for the coordinated national law-related education program.

The Committee has heard from several law enforcement and academic institutions about the need for a comprehensive program to deal with issues affecting children, families, and the law. The issues range from understanding the interrelationship of social, psychological, educational, economic, and legal issues affecting children and families, to proper rehabilitation of youth while in correctional facilities, counseling after release, and training for juvenile correctional officers.

The Committee is aware of the Consortium of Children, Families, and Law, comprised of the University of Hawaii, Stanford University, the State Universtiy of New York at Buffalo, the University of Michigan, the University of Nebraska-Lincoln, the University of Pittsburgh, and the University of Virginia, which is a multiuniversity initiative addressing the legal system as it relates to families and children, and the interface between psychology and the law.

The Committee is also aware of support among State juvenile justice programs for a comprehensive program to address the training needs of juvenile correctional officers.

The Committee directs the Department of Justice, Office of Justice Assistance, to take a serious look at the need for a comprehensive program addressing these complex issues and report its findings to Congress. The Committee strongly urges the Department to consult the Consortium on Children, Families, and the Law, and various youth correctional facilities, in evaluating the benefits of such a program to help legislators, judges, and public agency administrators deal more effectively with the needs of young people.

### REGIONAL INFORMATION SHARING SYSTEMS

The Committee recommendation includes $12,000,000 to restore funding to the current year level for the Regional Information Sharing Systems Program [RISS] for which there was no budget request, but for which the Attorney General has committed his support. The RISS Program consists of seven multistate projects designed to provide regional criminal information exchange and other related support services to State and local law enforcement agencies. The program supports law enforcement efforts to combat drug trafficking, organized criminal activity and white-collar crime. The Committee strongly supports the RISS Program as an effective means of fostering cooperation among Federal, State, and local law enforcement agencies.

### JUSTICE ASSISTANCE DISCRETIONARY PROGRAM

The Committee recommendation includes $2,300,000 for a discretionary grant to continue the National Citizens Crime Prevention Campaign featuring McGruff the crime dog. In addition, $1,000,000 shall be provided for the expansion of the existing drug abuse prevention campaign managed through a cooperative agreement between the Department and the National Crime Prevention Council.

### MARIEL CUBANS

Since fiscal year 1985, the Congress has provided funds totaling $20,000,000 to the Department of Justice for the purpose of reimbursing States housing Mariel Cuban prisoners who have been convicted of committing State and local crimes. The Committee has once again recommended a funding level for fiscal year 1989 of $5,000,000.

Regardless of the debate as to whether this is a Federal or a State and local problem, it is clear that the burden imposed upon the States—financially and otherwise—due to the housing of these prisoners has been great. Clearly this matter warrants the attention of those Government agencies charged with safeguarding U.S. interests.

## ANTI-DRUG ABUSE GRANTS

The Committee recommends $70,000,000 for the anti-drug abuse grants for fiscal year 1989, which equates to a freeze at the amount provided for fiscal year 1988.

The Committee expects the Department, within amounts appropriated for discretionary grants, to provide $1,500,000 for drug abuse prevention and demand reduction programs, such as drug abuse resistance education [DARE].

The Committee has been made aware of the spread of clandestine drug labs to new areas of the country. For example, the State of Oregon has quickly become second only to California in the estimated number of clandestine drug labs, and does not have the resources necessary to combat this serious law enforcement and health problem. The Committee expects that, within amounts appropriated for discretionary grants, $510,000 be provided to assist in attacking clandestine drug labs.

The Committee has also been made aware that certain States are utilizing funds provided through anti-drug abuse grants for payments to public defenders. The Committee believes that it was the intent of Congress that these grants be utilized for law enforcement activities and not for the defense of individuals arrested for alleged drug law violations, who must be provided counsel under constitutional law from other sources. The Committee expects the Office of Justice Programs to examine the extent to which these grants are utilized for nonlaw enforcement activities, and report back to the Committee 60 days after enactment of this bill on the results of the study along with possible recommendations to ensure that the grants are utilized for law enforcement purposes only.

## GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

In section 201 of the bill, the Committee has continued a limitation on official reception and representation expenses of $75,000 for fiscal year 1988 for the Department of Justice, the same amount approved for fiscal year 1987.

In section 202 of the bill, the Committee has continued language which provides that, notwithstanding any other provision of this Act, materials provided by convict labor may be used in construction of any highway or a portion of a highway located on Federal-aid systems as described in section 103 of title 23, United States Code.

In section 203, the Committee has continued a general provision which permits appropriations for General Administration, the U.S. Marshals Service, the FBI, DEA, INS and the Federal Prison System to be used for uniforms and allowances as authorized by law.

In section 204 of the bill, the Committee has continued certain authorities for the Department of Justice that were contained in the Department of Justice Authorization Act, fiscal year 1980. The Committee recommends language included in fiscal year 1987 which provided for undercover investigative operations for the FBI and DEA.

In sections, 205, 206, and 207 of the bill, the Committee has continued language included in the fiscal year 1988 appropriations act regarding abortions in the Federal Prison System.

In section 208 of the bill, the Committee has included a general provision to continue to permit States, who are receiving grants under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, and who have made significant progress in meeting the act's mandate to remove juveniles from adult jails and lockups to continue to receive funding for that purpose during fiscal year 1989.

In section 209 of the bill the Committee has included bill language establishing a separate "Immigration examinations fee" account in the Treasury of the United States and permitting increases in fees collected on or after October 1, 1988, as specified by the Attorney General in regulations, to be deposited in such account for the purpose of offsetting the costs of providing immigration adjudication and naturalization services. This section does not create additional user fees.

# TITLE III—THE DEPARTMENT OF STATE

The Committee recommends a total of $2,746,307,000 for fiscal year 1989 for the Department of State. This amount is $2,610,000 less than the total requested for fiscal year 1989 and $58,132,000 above the appropriations enacted to date for fiscal year 1988. The recommendation is $6,341,00 more than the amount approved by the House.

## ADMINISTRATION OF FOREIGN AFFAIRS

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $1,694,000,000 |
| 1989 budget estimate | 1,799,000,000 |
| House allowance | 1,793,500,000 |
| Committee recommendation | 1,792,000,000 |

The Committee recommends an appropriation of $1,792,000,000. This amount is $7,000,000 less than the budget request, $98,000,000 more than 1988 appropriations to date, and $1,500,000 less than the House allowance.

The Committee has also approved the requested language which provides that in addition to the appropriated funds not to exceed $250,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 38(b)(3)(A) of such act.

This appropriation provides the funds necessary for the formulation and execution of the foreign policy of the United States, including the conduct of diplomatic and consular relations with foreign countries, diplomatic relations with international organizations, and related activities.

The Committee recommendation will provide $64,825,000 of the $67,325,000 net increase requested for adjustments to base and built-in cost increases. The $2,500,000 reduction from the request should be applied to the requested base adjustments for the Department's ongoing operations.

The Committee recommendation also includes the requested program increase of $30,000,000 to begin construction of the Foreign Service Institute facility to be located at Arlington Hall Station in Arlington, VA. The Committee recommendation also includes the $7,675,000 requested to begin the replacement of Foreign Service Nationals at certain of the United States missions in Eastern Europe. These funds will provide a portion of the resources to (1) hire, contract, train, equip, support, and send American staff to posts to replace current Foreign

Service National staff; (2) maintain the administrative support units in Western Europe to provide United States missions in Eastern Europe with budgetary and general services support; and (3) purchase and ship to posts labor-saving equipment and machinery to limit or reduce host government dependence.

Within the funds recommended $900,000 shall be utilized to fund the second phase of the University of Miami Latin American data base project known as Info-South. The Committee understands that the Department of State and the University of Miami entered into a multiyear grant award agreement in 1987 for a data base. Authorization legislation for the Department of State for fiscal year 1988 and fiscal year 1989 directs the Department to fund an on-line bibliographic data base, a criterion that only the University of Miami now satisfies. The Committee directs that future agreements for on-line bibliographic services be subject to competitive review.

### DIPLOMATIC SECURITY

The Committee recommendation provides the full $303,000,000 requested for diplomatic security activities which is a continuation of the 1988 level. The amount recommended does not include the $6,000,000 requested for counterterrorism research and development. This program is carried out by other agencies and the Committee believes those agencies should bear the costs. The savings should be used to meet emergent costs in the Bureau of Diplomatic Security and USIA's local guard program. The Committee has found that the Department of State attempted to consolidate the local guard program but the proposal was not implemented by the Office of Management and Budget except with respect to the United States Information Agency. Therefore, the Committee expects the Bureau of Diplomatic Security to provide local guard services to USIA overseas locations at not less than $4,010,639, the amount that OMB deducted from USIA's budget for 1989.

The Committee commends the Department of State for the initial testing and procurement of the EGIS explosives detection system. The Committee understands that the fiscal year 1989 budget request includes funding for the purchase of at least seven devices for use at critical and high threat posts overseas. The amount provided includes sufficient funds to purchase, on an expedited schedule in fiscal year 1989, the additional units now planned for procurement in fiscal year 1990. This important procurement is of the highest priority.

The Committee commends the Bureau of Diplomatic Security for initiating a quality assurance program for physical security materials and products. The Committee expects the Bureau to continue and accelerate this program.

### COUNSULAR ACTIVITIES IN KOREA

Significant increases in the number of people traveling from the United States to Korea are expected in late September and early October 1988 when the 1988 Summer Olympics will be held in Seoul. Many of these travelers will require advice and assistance from the U.S. Embassy in Seoul. In addition, the Government of South Korea has recently undertaken a liberalization of restrictions on tourism to the United States. A significant increase in tourism to the United States could take place as these restrictions are lifted during 1988. These developments could increase the visa workload in the Consular Section of the U.S. Embassy in Seoul substantially. Therefore, the Committee urges the Department of State to develop the necessary plans now to provide for this contingency at the U.S. Embassy in Seoul.

### ASSISTANCE TO GAO

The Committee is concerned that the Department of State in certain instances is not providing support authorized by law to the General Accounting Office [GAO] in connection with GAO's work in foreign nations. State Department support for this work is authorized by section 204(c) of the Foreign Service Act of 1980, 22 U.S.C. 3904(c) (1982). The Committee believes such action by the Department will result in limiting GOA's ability to assist the Congress in carrying out its oversight responsibilities. The Committee expects the Department to cooperate fully with GAO in connection with GAO's work in foreign nations. The Committee expects this cooperation to include making available to GAO, the Department's facilities and personnel including, but not limited to, those in Washington and those associated with the U.S. Embassies and their support facilities and personnel in the foreign countries in which GAO is to work.

### ATLANTIC COUNCIL

Within the funds available the Committee expects the Department of State to make $150,000 available to the Atlantic Council of the United States to help in the funding of the NATO Information Office. The NATO Information Office was set up in 1985 and is the only U.S. institution dedicated to public education concerning the NATO Alliance. In view of the $33,053,000 U.S. contribution to the North Atlantic Treaty Organization contained elsewhere in this bill, the Committee believes this is a modest amount to nuture greater awareness and understanding of NATO.

### REPRESENTATION ALLOWANCES

| | |
|---|---|
| 1988 appropriations to date | $4,500,000 |
| 1989 budget estimate | 4,590,000 |
| House allowance | 4,590,000 |
| Committee recommendation | 4,590,000 |

The Committee recommends an appropriation of $4,590,000. This is an increase of $90,000 over the 1988 appropriations to date, and the same as the budget request and House allowance.

Representation allowances provide partial reimbursement to ambassadors, principal officers, and other foreign service officers for costs incurred for official entertainment. Official entertainment helps to establish and maintain close personal contacts abroad with local government officials and with influential members of the local community. Representation allowances are authorized by section 905 of the Foreign Service Act of 1980.

### PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

| | |
|---|---|
| 1988 appropriations to date | $9,000,000 |
| 1989 budget estimate | 9,100,000 |
| House allowance | 9,100,000 |
| Committee recommendation | 9,100,000 |

The Committee recommends $9,100,000 for this account. The recommendation is the same as the budget estimate and the House allowance. It is $100,000 above the allowance in the current fiscal year.

This appropriation funds two programs. The first is to reimburse the city of New York for protection of foreign missions and officials accredited to the United Nations and other international organizations located there. The second, originally authorized by the Foreign Missions Act of 1982, provides for the protection in extraordinary circumstances of foreign missions and officials accredited to the United States. The protection must be authorized by the Secretary of State and can be provided directly, by contract or through State or local authorities.

### ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

| | |
|---|---|
| 1988 appropriations to date | $313,100,000 |
| 1989 budget estimate | 240,021,000 |
| House allowance | 240,021,000 |
| Committee recommendation | 240,021,000 |

The Committee recommends an appropriation of $240,021,000, the same as the budget request and the amount allowed by the House. This amount is $73,079,000 less than the total appropriation for fiscal year 1988.

Funds in this appropriation are used for the construction or acquisition and maintenance of office space and support facilities for the U.S. foreign affairs agencies, as well as living quarters for American staff at diplomatic and consular posts where housing problems exist.

The Committee recommendation will provide for all of the nondiscretionary cost increases requested in the budget, including overseas operations, administrative services and project supervision. In addition, the Committee recommendation will provide the $4,300,000 requested to complete the renovation of the chancery at the United States mission in Bonn, West Germany, and $10,000,000 to fund the urgent rehabilitation of the chancery at the United States mission in Tel Aviv, Israel.

The Committee has again included language in the bill which prohibits the Department from funding the costs of generators and furniture and furnishings of other agencies at U.S. missions overseas unless such agencies reimburse the Department. The Committee believes that the continuing stringent budget situation, the need to apportion the cost of overseas operation more equitably, and the need to give other agencies an incentive to reduce costs, makes this action appropriate.

The Committee recommendation does not include any funds for new capital projects under the Diplomatic Security Program because of the stringent budget situation. Using resources previously appropriated under this program, the Department of State currently has 60 capital projects underway at 52 posts worldwide.

### EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

| | |
|---|---|
| 1988 appropriations to date | $4,000,000 |
| 1989 budget estimate | 4,500,000 |
| House allowance | 4,500,000 |
| Committee recommendation | 4,500,000 |

The Committee recommends an appropriation of $4,500,000. This is the same as the budget request and the House allowance. It is $500,000 more than the 1988 appropriation.

This appropriation is required in order for the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service. These funds provide for relief and repatriation loans for destitute American citizens abroad and are available for other emergencies in the Department of State.

### PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

| | |
|---|---|
| 1988 appropriations to date | $11,000,000 |
| 1989 budget estimate | 10,890,000 |
| House allowance | 10,890,000 |
| Committee recommendation | 10,890,000 |

The Committee recommends an appropriation of $10,890,000, $110,000 less than the 1988 appropriations, for payment to the American Institute in Taiwan. This is the same as the budget estimate and the House allowance.

The Taiwan Relations Act (Public Law 96–8) requires that programs involving Taiwan be carried out by or through the American Institute in Taiwan, and authorizes funds to be appropriated to the Secretary of State to carry out the provisions of the act. The Institute administers programs in the areas of economic and commercial services, cultural affairs, travel services, general affairs and logistics. The Department of State contracts with the American Institute in Taiwan to carry out these activities.

### PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

| | |
|---|---|
| 1988 appropriations to date | $86,000,000 |
| 1989 budget estimate | 107,684,000 |
| House allowance | 107,684,000 |
| Committee recommendation | 107,684,000 |

The Committee recommends an appropriation of $107,684,000, an increase of $21,684,000 over the 1988 appropriations to date and is the same as the budget request and House allowance.

The amount recommended represents the cost of maintaining the old retirement system for those employees declining to switch to the new system as well as the amortization of previous unfunded liabilities that will continue to be funded by this separate appropriation. This separate payment is authorized by section 821 of the Foreign Service Act of 1980 (Public Law 96–465). This provision authorizes an appropriation to the fund, in 30 equal annual installments, of the amount required for the unfunded liability created by new or liberalized benefits, new groups of beneficiaries, or increased salaries on which benefits are computed.

## INTERNATIONAL ORGANIZATIONS AND CONFERENCES

### CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

| | |
|---|---|
| 1988 appropriations to date | $480,000,000 |
| 1989 budget estimate | 489,906,000 |
| House allowance | 489,906,000 |
| Committee recommendation | 489,906,000 |

The Committee recommends an appropriation of $489,906,000, an increase of $9,906,000 over the 1988 appropriations to date. The recommendation is the same as the budget request and $3,966,000 more than the House allowance.

This appropriation provides the U.S. share of the costs of those international organizations of which it is a member by treaties, conventions, or specific acts of Congress. The request represents the U.S. share of the costs of our assessed contributions to 44 international organizations.

The following table sets forth the amount provided for each of the international organizations after the approved reprogramming of the amount appropriated for fiscal year 1988 and the Committee's recommendation for fiscal year 1989:

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

[In thousands of dollars]

| Organization | Fiscal year— | |
|---|---|---|
| | 1988 reprogramming | 1989 request |
| UNITED NATIONS AND SPECIALIZED AGENCIES | | |
| Food and Agriculture Organization | 25,000 | 25,000 |
| International Atomic Energy Agency | 34,212 | 35,160 |
| International Civil Aviation Organization | 7,678 | 7,891 |
| International Labor Organization | 25,394 | 26,097 |
| Intergovernmental Maritime Consultative Organization | 655 | 890 |
| International Telecommunications Union | 5,286 | 5,235 |
| United Nations | 144,000 | 144,000 |
| United Nations Industrial Development Organization | 11,722 | 12,047 |
| Universal Postal Union | 945 | 954 |
| World Health Organization | 62,855 | 64,596 |
| World Intellectual Property Organization | 813 | 833 |
| World Meteorological Organization | 5,758 | 5,918 |
| Subtotal | 324,318 | 328,621 |

### CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS—Continued

[In thousands of dollars]

| Organization | Fiscal year— | |
|---|---|---|
| | 1988 reprogramming | 1989 request |
| INTER-AMERICAN ORGANIZATIONS | | |
| Inter-American Indian Institute | 104 | 104 |
| Inter-American Institute for Cooperation on Agriculture | 10,344 | 10,631 |
| Organization of American States | 34,887 | 35,853 |
| Pan American Health Organization | 30,757 | 31,609 |
| Pan American Institute of Geography and History | 331 | 331 |
| Pan American Railway Congress Association | 25 | 25 |
| Subtotal | 76,448 | 78,553 |
| REGIONAL ORGANIZATIONS | | |
| Colombo Plan Council for Technical Cooperation | 10 | 10 |
| North Atlantic Assembly | 638 | 683 |
| North Atlantic Treaty Organization | 31,174 | 33,053 |
| Organization for Economic Cooperation and Development | 33,470 | 34,397 |
| South Pacific Commission | 834 | 842 |
| Subtotal | 66,126 | 68,985 |
| OTHER INTERNATIONAL ORGANIZATIONS | | |
| Bureau of International Expositions | 22 | 22 |
| Customs Cooperation Council | 1,828 | 1,875 |
| General Agreement on Tariffs and Trade | 7,044 | 7,129 |
| The Hague Conference on Private International Law | 60 | 81 |
| International Agency for Research on Cancer | 851 | 1,049 |
| International Bureau of the Permanent Court of Arbitration | 11 | 11 |
| International Bureau of the Publication of Customs Tariffs | 85 | 88 |
| International Bureau of Weights and Measures | 554 | 587 |
| International Center for the Study of the Preservation and Restoration of Cultural Property | 454 | 361 |
| International Coffee Organization | 551 | 590 |
| International Cotton Advisory Committee | 150 | 175 |
| International Hydrographic Organization | 59 | 59 |
| International Institute for Unification of Private Law | 85 | 96 |
| International Jute Organization | 47 | 50 |
| International Lead and Zinc Study Group | 30 | 36 |
| International Natural Rubber Organization | 194 | ... |
| International Office for Epizootics | 63 | 67 |
| International Organization for Legal Metrology | 75 | 89 |
| International Rubber Study Group | 57 | 57 |
| International Seed Testing Association | 6 | 7 |
| International Wheat Council | ... | 298 |
| Interparliamentary Union | 512 | 665 |
| Maintenance of Certain Lights in the Red Sea | 77 | 46 |
| World Tourism Organization | 293 | 309 |
| Subtotal | 13,108 | 13,747 |
| Total | 480,000 | 489,906 |

The Committee has waived section 102 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989 as the amount allocated pursuant to the budget summit is insufficient to satisy the amount specified in section 102 in fiscal 1989.

The Committee strongly encourages the Secretary of State, in consonance with the statement of the two leaders at the Moscow summit supporting the International Atomic Energy Agency [IAEA] and the need to strengthen it, to review his priorities for funding of the contributions to international organizations. While the Committee has funded the various agencies at the requested levels, this allocation leaves IAEA at 89 percent of their recognized requirement. The Committee would support full funding of this vital organization should funds become available. It is noted that this organization, which is charged with the promotion of peaceful uses of nuclear energy, and the safeguarding against diversion of nuclear material to military use, is the only international agency positively mentioned in the official communique of each of the last three United States-Union of Soviet Socialist Republic summits.

## CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

| | |
|---|---|
| 1988 appropriations to date | $29,400,000 |
| 1989 budget estimate | 29,000,000 |
| House allowance | 29,000,000 |
| Committee recommendation | 29,000,000 |

The Committee recommends an appropriation of $29,000,000 for contributions for international peacekeeping operations. The amount recommended is $400,000 less than the 1988 appropriations to date and the same as the House allowance and the budget estimate.

This appropriation provides funds for the U.S. share of the cost of maintaining two United Nations peacekeeping operations. These are the United Nations Interim Force in Lebanon [UNIFIL] and the United Nations Disengagement Observer Force on the Golan Heights [UNDOF].

## INTERNATIONAL CONFERENCES AND CONTINGENCIES

| | |
|---|---|
| 1988 appropriations to date | $6,000,000 |
| 1989 budget estimate | 6,000,000 |
| House allowance | 6,000,000 |
| Committee recommendation | 6,000,000 |

The Committee recommends an appropriation of $6,000,000. This amount is the same as the 1988 appropriations to date, the budget request, and the House allowance.

This appropriation finances U.S. participation in multilateral intergovernmental conferences and contributions to new or provisional international organizations. The basic objective of this activity is to assure that the United States is represented at international fora by effective and efficient delegations formed to attain U.S. policy objectives. The principal expenses of international conference participation are the travel, per diem and support costs of the U.S. delegations and administrative costs when the United States serves as host for international conferences. Also included in this appropriation are the expenses of congressional delegations to four international parliamentary groups: the Interparliamentary Union; North Atlantic Assembly; United States-

Mexico Interparliamentary Group; and the United States-Canada Interparliamentary Group.

## INTERNATIONAL COMMISSIONS

### INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

| | |
|---|---|
| 1988 appropriations to date | $13,427,000 |
| 1989 budget estimate | 16,266,000 |
| House allowance | 13,427,000 |
| Committee recommendation | 13,562,000 |

The Committee recommends an appropriation of $13,562,000 for both the salaries and expenses and construction appropriations of the International Boundary and Water Commission [IBWC]. This amount is $135,000 more than the 1988 appropriations, $2,704,000 less than the budget estimate, and $135,000 more than the House allowance. The Committee recommendation includes $10,364,000 for the salaries and expenses appropriation and $3,198,000 for the construction appropriation.

The International Boundary and Water Commission is responsible, through a series of treaties between the United States and Mexico, for exercising the rights and obligations the two governments have assumed for the solution of boundary problems requiring joint engineering action. The principal actions in which the IBWC is engaged are: distribution between the two countries of international river waters; international flood control operations; joint conservation and improvement of international river water quality; solution of border sanitation problems; development of hydroelectric energy; maintenance of the river boundary; and demarcation of the land boundary. The activities performed by the U.S. section are related to U.S. treaty obligations, general policy determinations by the President and the Secretary of State, and authorities granted by Congress.

The Committee recommendation for the construction appropriation includes funding for the 1970 Boundary Treaty projects, the Nogales International Wastewater Treatment Plant, the Rio Grande rectification flood control project, all at the fiscal year 1988 enacted (freeze) level plus 1 percent. This level of funding should permit the Commission to deal with the emergency situation concerning the Nogales International Wastewater Treatment Plant project and provide an adequate level of funds for the Rio Grande rectification flood control project where the need for additional funding is not as great as originally anticipated when the budget was submitted.

The salaries and expenses appropriation provides for administration of treaties and agreements in force and negotiations of new agreements, technical guidance and supervision of boundary water, joint projects with Mexico, general engineering studies, and preliminary surveys and investigations, and operations and maintenance of completed segments of projects under construction and stream gauging and hydrologic stations.

The construction appropriation provides for joint construction projects of the two countries primarily in the areas of sanitation, flood control, and annual flow. The program provides for activities specified by treaty, including joint construction of dams required for the conservation, storage, and regulation of annual water flow, flood control, and other works on the Rio Grande, Colorado, and Tijuana Rivers, preferential attention to border sanitation projects, and construction of works to avoid future disputes.

### AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

| | |
|---|---|
| 1988 appropriations to date | $4,316,000 |
| 1989 budget estimate | 4,400,000 |
| House allowance | 4,416,000 |
| Committee recommendation | 4,359,000 |

The Committee recommends an appropriation of $4,359,000, an increase of $43,000 over the 1988 appropriations to date. This amount is $41,000 below the budget estimate and $43,000 above the House allowance.

This appropriation provides funds for the U.S. share of expenses of the International Boundary Commission and the International Joint Commission for fiscal year 1987. The International Boundary Commission maintains the physical boundary between the United States and Canada by surveying, inspecting, and clearing the boundary and replacing or repairing markers as needed. In addition, the International Joint Commission regulates and conducts investigations of boundary waters for the regulation of levels and flows of water, pollution abatement and water quality control, and such other related matters referred by the Governments of the United States and Canada and of mutual concern to both countries.

### INTERNATIONAL FISHERIES COMMISSIONS

| | |
|---|---|
| 1988 appropriations to date | $10,548,000 |
| 1989 budget estimate | 10,760,000 |
| House allowance | 10,548,000 |
| Committee recommendation | 10,653,000 |

The Committee recommends an appropriation of $10,653,000 for international fisheries commissions. This is $107,000 less than the budget request. The recommendation is $105,000 over the total amount available in fiscal year 1988 and the House allowance.

This appropriation funds the U.S. share of expenses of 11 bilateral and multilateral international fishing organizations established by treaties, the International Council for the Exploration of the Sea and expenses for the U.S. commissioners.

## OTHER

### U.S. BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

| | |
|---|---|
| 1988 appropriations to date | $1,900,000 |
| 1989 budget estimate | 2,000,000 |
| House allowance | 1,900,000 |
| Committee recommendation | 2,000,000 |

The Committee recommends the requested appropriation of $2,000,000 for the United States bilateral science and technology agreements with Yugoslavia and Poland. The amount recommended is $100,000 above the 1988 appropriations to date, and is $100,000 more than the House allowance.

Under the agreement cooperative activities, such as joint research projects, workshops, exchanges of scientists, and exchanges of information, which foster basic research are financed. Projects selected by the managing United States-Yugoslavia Joint Board are in the areas of agriculture, energy, technology, health, and transportation.

### PAYMENT TO THE ASIA FOUNDATION

| | |
|---|---|
| 1988 appropriations to date | $13,700,000 |
| 1989 budget estimate | 8,000,000 |
| House allowance | 13,700,000 |
| Committee recommendation | 15,000,000 |

The Committee recommends an appropriation of $15,000,000 for payment to the Asia Foundation. The amount recommended is $1,300,000 over the 1988 appropriations to date, and is $7,000,000 above the budget request and $1,300,000 more than the House allowance.

The Department of State has praised the work of the Asia Foundation in testimony to Congress. Yet the Department proposed slashing the payment to the Foundation by $5,700,000. The Committee agrees with the Department's evaluation of the Foundation's good work and recommends the full authorized appropriation of $15,000,000 for fiscal 1989. The increase over the House allowance will enable the Foundation to mount a vigorous program in the vital Pacific nations of Papua-New Guinea, the Solomons, Vanuatu, Western Samoa, Tonga, Tuvalu, Fiji, and Kiribati.

Programs of the Asia Foundation are intended to serve broad, long-term American interests in Asia and the Pacific Ocean area through a program of grants and services. This appropriation provides the basic grant supporting the infrastructure of the Asia Foundation. In addition the appropriation will permit the Foundation to fund development oriented and scholarly exchange programs with an emphasis on projects which promote the ideals and values of democratic pluralism. Support for other specific projects has come from the Agency for International Development, the U.S. Information Agency, and private sources.

### SOVIET-EAST EUROPEAN RESEARCH AND TRAINING

| | |
|---|---|
| 1988 appropriations to date | $4,600,000 |
| 1989 budget estimate | 5,000,000 |
| House allowance | 4,600,000 |
| Committee recommendation | 5,000,000 |

The Committee recommends $5,000,000 for this activity. This recommendation is the same as the budget request and $400,000 more than the House allowance and funding for the current fiscal year.

The Soviet-East European research and training fund implements title VIII of the 1983 Department of State Authorization Act. This act provides for United States Government assistance on a stable, long-term basis to develop and maintain a national capability for advanced research and training in the field of Soviet and Eastern European studies. Government support is given for graduate training, advanced research, public dissemination of research data and results, contact and collaboration among Government and private specialists, and acquisition by specialists of first-hand experience in the Soviet Union and the countries of Eastern Europe.

### FISHERMEN'S GUARANTY FUND

| | |
|---|---|
| 1988 appropriations to date | $1,725,000 |
| 1989 budget estimate | 1,800,000 |
| House allowance | ............... |
| Committee recommendation | 1,742,000 |

The Committee recommends an appropriation of $1,742,000. The amount recommended is $17,000 over the 1988 appropriations, $58,000 less than the budget request, and $1,742,000 more than the House allowance.

The Fishermen's Guaranty Fund appropriation provides reimbursement to owners of U.S. commercial fishing vessels which are seized by foreign countries on the basis of claims either to territorial waters or to the high seas which are not recognized by the United States.

### FISHERMEN'S PROTECTIVE FUND

No funds are recommended for the fishermen's protective fund as none were requested.

Under the Fishermen's Protective Act of 1967, as amended by Public Law 98–364, the Fishermen's Protective Fund provides reimbursement to owners of U.S. vessels seized by foreign governments for the cost of securing release of the vessel and crew. The fund provides reimbursement for any direct charges, such as fines, license fees, registration fees, et cetera, incurred by the owner in order to secure release of the crew and vessel.

### GENERAL PROVISIONS—DEPARTMENT OF STATE

The Committee has restored language requiring the submission of monthly reports on the progress of the diplomatic security program.

The Committee has also inserted language in the bill making permanent the appropriation for the United States Congressional Delegation to the United States-European Community Interparliamentary Group. This is in accord with similar treatment for other such groups in Public Law 100–202 and this group was inadvertantly left out.

# TITLE IV—THE JUDICIARY

The funds provided under title IV of the bill are for the operation of the Federal courts, including salaries of judges, judicial officers and employees, and other expenses of the Federal judiciary. The budget requests for the judiciary are submitted to the Congress without revision by the Office of Management and Budget in accordance with the Budget and Accounting Act of 1921, as amended.

The budget request submitted for fiscal year 1989 for the activities of the Federal judiciary totals $1,721,933,000. The Committee recommends a total of $1,360,247,000 to carry out these activities. This amount is $361,686,000 less than the budget requests but $30,313,000 more than the total amount available to date for the judiciary for fiscal year 1988. Due to budgetary constraints, the Committee was unable to provide more than an increase of 1 percent over the fiscal year 1988 enacted level for these important programs.

## SUPREME COURT OF THE UNITED STATES

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $15,247,000 |
| 1989 budget estimate | 16,448,000 |
| House allowance | 15,840,000 |
| Committee recommendation | 15,453,000 |

The Committee recommends an appropriation of $15,453,000 for the Supreme Court, of which $1,116,000 is for salaries of justices. This is $206,000 more than fiscal year 1988 appropriations, $387,000 less than the House allowance, and $995,000 less than the budget request.

This appropriation provides for salaries of the Chief Justice and the Associate Justices, salaries of officers and employees of the Court, printing and binding of Supreme Court reports, books for the Supreme Court, and miscellaneous expenses.

### CARE OF THE BUILDING AND GROUNDS

| | |
|---|---|
| 1988 appropriations to date | $2,110,000 |
| 1989 budget estimate | 2,384,000 |
| House allowance | 2,200,000 |
| Committee recommendation | 2,131,000 |

The Committee recommends an appropriation of $2,131,000, an increase of $21,000 over fiscal year 1988 appropriations to date and $69,000 less than the House allowance. The amount recommended is $253,000 below the budget request.

This appropriation provides for the structural and mechanical care of the U.S. Supreme Court building and grounds, including maintenance and operation of mechanical equipment.

## U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT

| | |
|---|---|
| 1988 appropriations to date | $7,430,000 |
| 1989 budget estimate | 8,700,000 |
| House allowance | 8,227,000 |
| Committee recommendation | 7,566,000 |

The Committee recommends an appropriation of $7,566,000 for the Court of Appeals for the Federal Circuit. Of the amount recommended, $1,287,000 is for the salaries of judges. This is $1,134,000 less than the budget request, $136,000 above fiscal year 1988 appropriations to date, and $661,000 less than the House allowance.

## U.S. COURT OF INTERNATIONAL TRADE

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $7,768,000 |
| 1989 budget estimate | 8,164,000 |
| House allowance | 8,159,000 |
| Committee recommendation | 7,889,000 |

The Committee recommends an appropriation of $7,889,000, which is an increase of $121,000 over fiscal year 1988 appropriations to date and $270,000 less than the House allowance. The recommendation is $275,000 less than the budget request. The Committee recommendation provides for the salaries of the nine judges ($909,000), supporting personnel, and necessary operating expenses of the U.S. Court of International Trade.

## COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $1,081,447,000 |
| 1989 budget estimate | 1,385,513,000 |
| House allowance | 1,178,336,000 |
| Committee recommendation | 1,106,768,000 |

The Committee recommends an appropriation of $1,106,768,000, an increase of $20,235,000 over 1988 appropriations to date. The recommendation is $71,568,000 less than the House allowance and $278,745,000 below the request.

This account provides for the salaries of judges ($105,235,000), magistrates, and all other officers and employees not otherwise specifically provided for, and for all necessary expenses including charges for space and facilities. The Committee recommendation includes funds for salary increases for bankruptcy judges and magistrates. Section 408 of the bill provides for a salary adjustment for circuit executives.

The Committee has continued language enabling the judiciary to utilize the fees collected pursuant to 28 U.S.C. 1931.

## NATIONAL VACCINE INJURY COMPENSATION PROGRAM

The court of claims will have the responsibility for handling all prospective and certain retroactive vaccine injury cases filed under the National Vaccine Injury Compensation Program. The Committee understands that the court has begun a preliminary review of the number of cases that will be filed and the procedures it will follow in handling these cases. The Committee expects the court to promptly process claims when they are received. The court of claims should arrange with the Judicial Conference for any resources they may require for this purpose.

The Committee has denied the administration request to pay for the processing of claims with proceeds of the vaccine injury compensation trust fund. Public Law 100–203 expressly limits the use of the trust fund to payment of compensation for parties injured by vaccines.

## DEFENDER SERVICES

| | |
|---|---|
| 1988 appropriations to date | $85,100,000 |
| 1989 budget estimate | 137,815,000 |
| House allowance | 109,900,000 |
| Committee recommendation | 86,478,000 |

The Committee recommends an appropriation of $86,478,000, which is an increase of $1,378,000 over 1988 appropriations to date. The amount recommended is $51,337,000 less than the budget request and $23,422,000 less than the House allowance.

This appropriation provides funds for the operation of the Federal public defender and community defender organizations and the compensation, reimbursement, and expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended.

## FEES OF JURORS AND COMMISSIONERS

| | |
|---|---|
| 1988 appropriations to date | $43,135,000 |
| 1989 budget estimate | 46,500,000 |
| House allowance | 44,193,000 |
| Committee recommendation | 43,600,000 |

The Committee recommends an appropriation of $43,600,000. The amount recommended is $2,900,000 less than the budget request but $465,000 over the fiscal year 1988 level, and $593,000 less than the House allowance.

This appropriation provides for the compensation of jury commissioners and land commissioners and for the fees and allowances of grand and petit jurors, including expenses associated with sequestered jurors and transportation of juries of view. Budgetary requirements depend largely upon the volume and length of jury trials demanded by parties to both civil and criminal actions and the number of grand juries being convened by the courts at the request of U.S. attorneys.

### COURT SECURITY

| | |
|---|---|
| 1988 appropriations to date | $40,853,000 |
| 1989 budget estimate | 56,980,000 |
| House allowance | .................. |
| Committee recommendation | 41,423,000 |

The Committee recommends an appropriation of $41,423,000 for court security. This amount is $15,557,000 less than the budget request, $570,000 above the fiscal year 1988 level, and $41,423,000 more than the House allowance.

This appropriation provides for the necessary expenses of security and protective services for the U.S. courts in courtrooms and adjacent areas.

## ADMINISTRATIVE OFFICE OF THE U.S. COURTS

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $31,167,000 |
| 1989 budget estimate | 41,970,000 |
| House allowance | 34,228,000 |
| Committee recommendation | 33,087,000 |

The Committee recommends an appropriation of $33,087,000 for the salaries and expenses of the Administrative Office of the U.S. Courts. This amount is $8,883,000 less than the request, but $1,920,000 more than the fiscal year 1988 appropriation, but $1,141,000 less than the House allowance.

In section 407 of the bill, the Committee has included language to permit the Administrative Office of the Courts to upgrade three positions. The Committee understands the costs associated with this reclassification will be absorbed during fiscal year 1989.

## FEDERAL JUDICIAL CENTER

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $10,548,000 |
| 1989 budget estimate | 12,109,000 |
| House allowance | 11,581,000 |
| Committee recommendation | 10,669,000 |

The Committee recommends an appropriation of $10,669,000, an increase of $121,000 over 1988 appropriations to date. The amount recommended is $1,440,000 below the budget request and $912,000 less than the House allowance.

## U.S. SENTENCING COMMISSION

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $5,129,000 |
| 1989 budget estimate | 5,350,000 |
| House allowance | 5,129,000 |
| Committee recommendation | 5,183,000 |

The Committee recommends an appropriation of $5,183,000 for the U.S. Sentencing Commission, an increase of $54,000 above fiscal year 1988 appropriations to date. The recommendation is $167,000 less than the budget request and is $54,000 more than the House allowance.

The U.S. Sentencing Commission, an independent commission within the judicial branch of Government, was charged with establishing sentencing guidelines for the U.S. district courts and other sentencing policies and practices for the Federal criminal justice system.

### GENERAL PROVISIONS, THE JUDICIARY

The bill includes essentially the same provisions as approved by the Congress for fiscal year 1988 with two exceptions.

Section 407 of the bill includes bill language amending title 28 United States Code to establish three additional positions in the administrative office at level IV of the Executive Schedule.

Section 408 of the bill includes language amending title 28 United States Code to fix the salaries of circuit executives at rates not to exceed level IV of the Executive Schedule.

Section 409 of the bill establishes new bankruptcy judgeships in Alaska, Arizona, and Colorado, as recommended by the Judicial Conference.

# TITLE V—RELATED AGENCIES

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### READY RESERVE FORCE

| | |
|---|---|
| 1988 appropriations to date | [1] $126,689,000 |
| 1989 budget estimate | 110,751,000 |
| House allowance | |
| Committee recommendation | 110,751,000 |

[1] Enacted budget authority was appropriated to Navy "Operations and maintenance" and "Ship construction" accounts.

This is a new appropriation which provides funding in the Maritime Administration for the Ready Reserve Force [RRF], which is comprised of Government-owned, U.S.-flag merchant ships laid up in the National Defense Reserve Fleet [NDRF]. This consolidation places the entire program and funding responsibility for RRF ships in one Federal agency, pursuant to the requirements in Public Law 100–202. The RRF is maintained in an advanced state of readiness for reactivation to meet surge shipping requirements during a national emergency. Funds are now appropriated to the Maritime Administration, which has historically managed the RRF and funded certain RRF base costs in the "Operations and training" appropriation. In the past, the Navy has funded the incremental cost of advanced readiness requirements. The $110,751,000 recommended is $15,938,000 less than the 1988 appropriation to the Navy, and includes $35,400,000 required for additional RRF ships, and $75,351,000 for ship maintenance and operations.

Within the total appropriation the Committee has earmarked $3,000,000 for the National Defense Reserve Fleet. The Ready Reserve Force is a subset of the longstanding National Defense Reserve Fleet and has resulted in increased capital costs related to maintenance and improvements of service craft and facilities. Accordingly, $3,000,000 of NDRF base operations and training expenses and related program increases are to be funded from the Ready Reserve Force appropriation.

### Operating-Differential Subsidies

#### (APPROPRIATION TO LIQUIDATE CONTRACT AUTHORITY)

| | |
|---|---|
| 1988 appropriations to date | ($213,300,000) |
| 1989 budget estimate | (248,900,000) |
| House allowance | |
| Committee recommendation | (248,900,000) |

The Committee recommends $248,900,000 for payment of obligations incurred for operating-differential subsidies of American flag vessels. This amount is $35,600,000 above the amount made available in fiscal year 1988 for this program, but is the same as the budget request and $248,900,000 more than the House allowance.

### OPERATIONS AND TRAINING

| | |
|---|---|
| 1988 appropriations to date | $75,521,000 |
| 1989 budget estimate | 74,100,000 |
| House allowance | |
| Committee recommendation | 66,250,000 |

The Committee recommends an appropriation of $66,250,000, a decrease of $9,271,00 below the 1988 appropriations to date. The amount recommended is $7,850,000 below the budget request and $66,250,000 above the House allowance.

Within the amount provided for the Ready Reserve Force appropriation the Committee has included $3,000,000 budgeted in this account for maintenance and related expenses of the National Defense Reserve Fleet. Thus, for comparison purposes, the Committee reduction is actually $3,000,000 less than it would first appear and the $66,250,000 will meet all 1989 base requirements.

## ARMS CONTROL AND DISARMAMENT AGENCY

### ARMS CONTROL AND DISARMAMENT ACTIVITIES

| | |
|---|---|
| 1988 appropriations to date | $30,100,000 |
| 1989 budget estimate | 32,000,000 |
| House allowance | 30,830,000 |
| Committee recommendation | 32,000,000 |

The Committee recommends an appropriation of the full amount requested, $32,000,000. This is $1,900,000 over the 1988 appropriation to date, and $1,170,000 more than the House allowance.

The Arms Control and Disarmament Agency [ACDA] advises and assists the President, the National Security Council, the Secretary of State and other senior Government officials on arms control matters. In carrying out these responsibilities, ACDA must: prepare for and manage U.S. participation in international negotiations; prepare and operate control systems that verify compliance with arms control or disarmament agreements; assure the availability of information essential to the formulation and implementation of arms control policies; conduct research on arms control and disarmament issues; and prepare and disseminate public information on arms control matters.

The Committee recommendation includes $2,200,000, as requested, for the Reduced Enrichment in Research and Test Reactor Program [RERTR] notwithstanding the limitations imposed by the Arms Control and Disarmament Amendments Act of 1987. The Committee is following the phaseout plan of ACDA support of RERTR initiated in fiscal 1988 that calls for a final ACDA payment of $1,200,000 in fiscal 1990.

## BOARD FOR INTERNATIONAL BROADCASTING

### GRANTS AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $185,000,000 |
| 1989 budget estimate | 192,100,000 |
| House allowance | 194,900,000 |
| Committee recommendation | 192,100,000 |

The Committee recommends the requested appropriation of $192,100,000 for grants to Radio Free Europe/Radio Liberty, Inc. [RFE/RL, Inc.] and for the administrative expenses of the Board for International Broadcasting for fiscal year 1989. This amount is the same as the budget request, $2,800,000 less than the House allowance, and $7,100,000 more than the 1987 appropriation.

### ISRAEL RELAY STATION

| | |
|---|---|
| 1988 appropriations to date | $34,000,000 |
| 1989 budget estimate | 35,000,000 |
| House allowance | .................... |
| Committee recommendation | 35,000,000 |

The Committee recommends an appropriation of $35,000,000 for the Israel relay station project of the Board for International Broadcasting. This amount is $1,000,000 over the 1988 appropriations to date, the same as the budget estimate, and $35,000,000 more than the House allowance.

## CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $212,000 |
| 1989 budget estimate | 220,000 |
| House allowance | 212,000 |
| Committee recommendation | 212,000 |

The Committee recommends $212,000 for the activities of the Christopher Columbus Quincentenary Jubilee Commission. This amount is $8,000 less than the budget request and the same as the House allowance.

Congress has recognized October 12, 1992, as the 500th anniversary of the voyages of discovery of Christopher Columbus. In order to celebrate and commemorate this anniversary, the 98th Congress established the Christopher Columbus Quincentenary Jubilee Commission in Public Law 98–375. The Commission's activities include preparing a program for commemorating the quincentennial of the voyages of discovery of Christopher Columbus and planning, encouraging, coordinating, and conducting observations and activities commemorating the historic events associated with those voyages. The Commission shall particularly examine the historic role of the government and people of Spain in order to promote a greater public awareness, understanding, and appreciation of the contributions made by Spain with respect to those voyages. The Commission anticipates that fund-raising events will provide an estimated $200,000 in private contributions in fiscal year 1989.

## COMMISSION ON AGRICULTURE WORKERS

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | ........... |
| 1989 budget estimate | ........... |
| House allowance | $600,000 |
| Committee recommendation | ........... |

The Committee does not recommend an appropriation for the Commission on Agriculture Workers. The House allowance includes $600,000 for this Commission, authorized by section 304 of Public Law 99–603 (the Immigration Reform and Control Act of 1986), to review the impact of the legalization program and the special agricultural worker [SAW] provisions of IRCA on the supply of agricultural labor and the agricultural industry. There was no budget request for this Commission.

## COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $21,000,000 |
| 1989 budget estimate | 11,436,000 |
| House allowance | 11,436,000 |
| Committee recommendation | 11,436,000 |

The Committee recommends an appropriation of $11,436,000. This is $9,564,000 less than the fiscal year 1988 adjusted level but the same as the budget estimate and the House allowance.

The Commission is authorized by Public Law 98–101 and was activated during fiscal year 1985. During fiscal year 1989, the Commission will focus on articles I and II of the Constitution, dealing with the legislative and executive branches. Specifically, the Commission plans and develops activities, encourages participation by private organizations and State and local governments, coordinates activities throughout all the States, and serves as a clearinghouse for the collection and dissemination of information about bicentennial events and plans.

The funds recommended in the bill will provide for the requested salaries and expenses of the members of the Commission, the executive director and permanent staff members and other expenses, including travel, communications, rental of space, printing, and other administrative items.

The recommendation also provides the requested $2,992,000 for the National Bicentennial Competition on the Constitution and the Bill of Rights, and $4,508,000 for educational programs about the Constitution and Bill of Rights, which is the total amount currently authorized for these programs. In addition, the recommendation includes $790,000 for a grant to the University of Texas to develop an encyclopedia of the U.S. Congress, and $109,000 to establish a bicentennial exhibit to commenorate the First Federal Congress at the National Portrait Gallery of the Smithsonian Institution.

There are several other civil literacy projects that have been brought to the attention of the Committee that have significant educational merit and national scope, particularly those projects intended to stimulate interest in and knowledge of history among young people. The Committee encourages the Commission to give serious consideration to these projects.

## COMMISSION ON CIVIL RIGHTS

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $5,707,000 |
| 1989 budget estimate | 13,376,000 |
| House allowance | 5,707,000 |
| Committee recommendation | 5,841,000 |

The Committee recommends an appropriation of $5,841,000, an increase of $134,000 over the 1988 appropriations to date. This amount is $7,535 below the budget estimates but $134,000 more than the House allowance.

The Committee recommends continuing the restrictions in force in 1988. Funding earmarks are included for regional offices and State advisory committees ($2,000,000) and monitoring of civil rights enforcement ($700,000).

## COMMISSION ON SECURITY AND COOPERATION IN EUROPE

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $701,000 |
| 1989 budget estimate | 780,000 |
| House allowance | 701,000 |
| Committee recommendation | 780,000 |

The Committee recommends an appropriation of $780,000 for salaries and expenses of the Commission on Security and Cooperation in Europe. This is the same as the amount requested for the Commission and $79,000 more than the House allowance and the 1988 appropriations to date.

The Committee is increasing funds for the Commission in recognition of its increased mission and responsibilities. The Commission was established in 1976 to monitor compliance with all aspects of the Helsinki accords.

## COMMISSION FOR THE STUDY OF INTERNATIONAL MIGRATION AND COOPERATIVE ECONOMIC DEVELOPMENT

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $870,000 |
| 1989 budget estimate | 890,000 |
| House allowance | 1,690,000 |
| Committee recommendation | 890,000 |

The Committee recommends an appropriation of $890,000, the full amount requested for salaries and expenses of the Commission for the Study of International Migration and Cooperative Economic Development. This is $20,000 above the appropriations to date and $800,000 below the House allowance.

This Commission was authorized by the Immigration Reform and Control Act of 1986 (Public Law 99–603) for the purpose of examining conditions in countries which contribute to the unauthorized migration to the United States.

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $179,812,000 |
| 1989 budget estimate | 194,624,000 |
| House allowance | 179,812,000 |
| Committee recommendation | 181,758,000 |

The Committee recommends an appropriation of $181,758,000, an increase of $1,946,000 over the 1988 appropriations to date. The amount recommended is $12,866,000 less than the budget request but $1,946,000 more than the House allowance. The Committee recommendation holds the limitation for State and local payments to the fiscal year 1988 level of $20,000,000.

The Committee has included language to direct that $1,200,000 be used to fund a study in cooperation with the National Academy of Sciences to analyze the potential consequences of the elimination of mandatory retirement on institutions of higher education, as authorized by Public Law 99–592 (100 Stat. 3344).

The Committee also included language which suspends, for fiscal year 1989, an Equal Employment Opportunity Commission [EEOC] regulation and policy that would validate the waiver of employee rights under the Age Discrimination in Employment Act [ADEA] even when the waiver has not been supervised by the EEOC or the Federal courts. The Committee believes that serious questions have been raised as to whether the EEOC regulation contravenes section 16(c) of the Fair Labor Standards Act, which is incorporated into the ADEA at section 7. By suspending the regulation, the Committee intends to preclude reliance upon the regulation and underlying EEOC policy during fiscal year 1988. The Committee also precludes the EEOC from otherwise recognizing unsupervised waivers of ADEA rights as valid, for example, by filing court briefs or by ceasing investigation of claims due to the existence of an unsupervised waiver. The Committee does not intend for this temporary suspension to affect the standing or rights of parties to sue for rescission of the regulation should the regulation become effective at some later date.

## FEDERAL COMMUNICATIONS COMMISSION

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $99,613,000 |
| 1989 budget estimate | 104,700,000 |
| House allowance | ............... |
| Committee recommendation | 100,660,000 |

The Committee recommends an appropriation of $100,660,000, an increase of $1,047,000 over 1988 appropriations to date. The amount recommended is $4,040,000 less than the budget request and $100,660,000 more than the House allowance which did not provide for this item.

### FEDERAL/STATE JOINT BOARD

The Federal/State Joint Board was organized to provide a forum for State public service commissions to present their States' concerns on certain regulatory issues to the FCC. Funding for this Board was cut drastically in past years, effectively diminishing the role of the Board and its ability to respond to State concerns. The Committee supports the activities of the Board and urges the Commission to fund the Board at sufficient levels to ensure effective State representation.

### CROSS-OWNERSHIP

The purpose of this provision is to bar any change in the administration and enforcement of the FCC's rules on newspaper-broadcast cross-ownership. The constitutionality of these rules were upheld by the Supreme Court in *FCC* v. *NCCB*, 436 U.S. 364 (1978). They are not directed at predatory conduct, but rather, seek to attain greater degrees of ownership diversity in the mass media by requiring the breakup of existing cross-ownerships when properties are sold and barring the creation of new cross-ownerships in most situations.

The Committee is especially concerned that in establishing and implementing policies for the administration of the newspaper-broadcast cross-ownership rules, the FCC should not undermine the rules' objectives by granting temporary or permanent waivers that may not be truly necessary to achieve those objectives. It is the intention of the Committee that the prohibition on changes in the policies established to administer the rules will make permanent the FCC's expressed policy that the FCC:

> * * * ought not to grant waivers unless a compelling case is shown which demonstrates that a waiver would not either disserve the purposes of the rule and would serve other important public policy goals or that it would serve the purpose of that rule by having granted a waiver.

[NOTE.—Statement of the Chairman of the FCC, Media Mergers and Takeovers: The FCC and the Public Interest: Hearings before the Subcommittee on Telecommunications, Consumer Protection and Financing of the House Committee on Energy and Commerce, 99th Congress, 1st session, transcript pp. 60–73 (July 10, 1975).]

The mere notation, for example, that there are a large number of media outlets in a market shall not, standing alone, constitute a sufficient basis for the grant of a waiver. Similarly, the mere fact that the FCC has been asked to consider proposals to alter current practices has never been a sufficient basis upon which a waiver could be based. A waiver can be granted if, for example, it is demonstrated that this would be the only way to preserve the operation of a newspaper.

The Committee has also continued language from previous appropriations acts with regard to VHF–UHF swaps and minority and women ownership of broadcasting licenses.

### TRANSLATOR REGULATIONS

The Committee notes with concern the recent rule change adopted by the Commission which allows noncommercial educational [NCE] FM translators to receive signals by satellite, microwave, and other technologies. This rule change could result in the formation of translator networks fed by NCE–FM superstations. The Committee believes that this result would be contrary to localism and established communications policies which require a broadcast facility to reflect and be responsive to the needs and interests of the local communities it serves. The Committee is further concerned about the impact of this type of NCE–FM spectrum usage on the development and expansion of full-service public radio.

The Committee requests that the Commission give serious consideration to modification of the NCE–FM translator rule so that the use of alternative-signal technology will remain consistent with established policy, that is, that FM translators should be used to fill in a coverage area and to extend NCE service into proximate unserved and underserved areas. To this end, the Committee suggests that the Commission impose conditions such as a distance limitation between the NCE broadcast facility and its FM translators. The distance limitation could allow for extension of service to proximate unserved and underserved areas while still assuring that the requirements of localism are met by the broadcast facilities.

## FEDERAL MARITIME COMMISSION

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $13,585,000 |
| 1989 budget estimate | 15,150,000 |
| House allowance | 13,585,000 |
| Committee recommendation | 13,737,000 |

The Committee recommends an appropriation of $13,737,000, an increase of $152,000 over 1988 appropriations to date. The recommendation is $1,413,000 below the budget request and $152,000 more than the House allowance which did not provide for this item.

## FEDERAL TRADE COMMISSION

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $66,243,000 |
| 1989 budget estimate | 67,503,000 |
| House allowance | .................. |
| Committee recommendation | 66,918,000 |

The Committee recommends an appropriation of $66,918,000, an increase of $675,000 over 1988 appropriations to date, $585,000 less than the budget request, and $66,918,000 above the House allowance which did not provide for this item.

## INTERNATIONAL TRADE COMMISSION

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $34,750,000 |
| 1989 budget estimate | 37,069,000 |
| House allowance | .................. |
| Committee recommendation | 37,069,000 |

The Committee recommends an appropriation of $37,069,000, an increase of $2,319,000 over the 1988 appropriations to date. The amount recommended is the same as the budget request and $37,069,000 more than the House allowance which did not provide for this item.

## JAPAN-UNITED STATES FRIENDSHIP COMMISSION

### JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

| | |
|---|---|
| 1988 appropriations to date | $1,200,000 |
| (Foreign currency appropriation) | (1,700,000) |
| 1989 budget estimate | 1,415,000 |
| (Foreign currency appropriation) | (1,700,000) |
| House allowance | 1,415,000 |
| (Foreign currency appropriation) | (1,700,000) |
| Committee recommendation | 1,415,000 |
| (Foreign currency appropriation) | (1,700,000) |

For expenses of the Japan-United States Friendship Commission, the Committee recommends the appropriation of $1,415,000 from interest earned on investment of funds in the Japan-United States Friendship Trust Fund. This amount is the same as the budget request. The Committee also recommends an amount of Japanese currency not to exceed the equivalent of $1,700,000.

In accordance with Public Law 94–118, interest earned on investment of the principal in the trust fund is subject to the appropriations process. These funds are used for the promotion of scholarly, cultural, and artistic activities between Japan and the United States.

## LEGAL SERVICES CORPORATION

### PAYMENT TO THE LEGAL SERVICES CORPORATION

| | |
|---|---|
| 1988 appropriations to date | $305,500,000 |
| 1989 budget estimate | 250,000,000 |
| House allowance | |
| Committee recommendation | 308,555,000 |

The Committee has recommended $308,555,000 for the Legal Services Corporation, an increase of $3,055,000 over the fiscal year 1988 enacted appropriation, $58,555,000 more than the budget request, and $308,555,000 above the House allowance.

The Committee's recommendation for the various components of the Legal Services Corporation program follows:

| *Program component* | *Committee recommendation* |
|---|---|
| Basic field programs | $264,349,000 |
| Native American programs | 7,022,000 |
| Migrant programs | 9,698,000 |
| Law school clinics | 1,100,000 |
| Supplemental field programs | 1,000,000 |
| Regional training centers | 624,000 |
| National support | 7,228,000 |
| State support | 7,843,000 |
| Clearinghouse | 865,000 |
| CALR regional centers | 510,000 |
| Corporation management and administration | 8,316,000 |
| (Carryover) | (1,700,000) |
| Total | 308,555,000 |

The Committee recommendation includes an increase of $3,055,000 for basic field programs funded by the Legal Services Corporation. Other components of the Corporation are held at their fiscal year 1988 funding level. The Committee has not approved the Corporation's revised budget request of $250,000,000, which was adopted March 25, 1988, on a 6-to-5 vote of the Board of Directors and which amended the Corporation's previous request of $305,500,000. In addition, the Committee has not approved the proposal to eliminate funding for State and national support centers, migrant programs, computer assisted legal research centers and the clearinghouse. The Committee held an extensive hearing on the Corporation's proposed budget in March when it explored the process used by the Corporation to develop its current budget proposal. It is clear that a consensus does not exist among members of the Board of Directors as to the proper approach to take in funding the Corporation's programs. Failure of the Corporation to fully explore and justify changes of the magnitude requested for fiscal year 1989 support the action recommended by the Committee.

The Committee is concerned over recent actions on the part of some members of the Board of Directors of the Corporation to contract with private law firms for the purpose of lobbying the Congress in support of a reduction in funding for the programs of the Corporation. Following notice of the Corporation's intent to retain several private law firms to lobby the Congress, the Committee asked the General Accounting Office to review the legality of such action. The Committee is in receipt of a ruling by the Comptroller General of the United States that the retention of law firms for the purpose of lobbying the Congress is inconsistent with restrictions on lobbying contained in 42 United States Code, section 2996e(c)(2).

In section 605 of the bill, the Committee has continued the funding restrictions imposed during fiscal year 1988.

## MARINE MAMMAL COMMISSION

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $953,000 |
| 1989 budget estimate | 933,000 |
| House allowance | |
| Committee recommendation | 962,000 |

The Committee recommends an appropriation of $962,000, which is $9,000 above the 1988 appropriations to date. The amount recommended is $29,000 above the budget request and $962,000 above the House allowance which did not provide funding for this item.

The amount recommended will enable the Commission to continue to meet its statutory responsibilities. These include the development and implementation of programs to protect endangered and threatened marine species and the compilation and evaluation of data needed to make reliable marine stock determinations. These responsibilities also include the development of sound State management strategies and the improvement of methods and procedures for collecting and analyzing marine data.

## OFFICE OF THE U.S. TRADE REPRESENTATIVE

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $15,229,000 |
| 1989 budget estimate | 15,393,000 |
| House allowance | |
| Committee recommendation | 15,383,000 |

The Committee recommends an appropriation of $15,383,000, which is $154,000 more than 1988 appropriations to date, $10,000 less than the amount requested, and $15,383,000 more than the House allowance which did not provide funding for this item. The amount recommended provides for all mandatory increases including salary and personnel benefits, travel and transportation costs, communications, and other administrative expenses.

## SECURITIES AND EXCHANGE COMMISSION

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $135,221,000 |
| 1989 budget estimate | 160,925,000 |
| House allowance | 135,221,000 |
| Committee recommendation | 150,000,000 |

The Committee recommends an appropriation of $150,000,000, an increase of $14,779,000 over 1988 appropriations to date. The amount recommended is $10,925,000 less than the budget request and $14,779,000 more than the House allowance.

The Committee recommendation for the Securities and Exchange Commission represents an increase of almost 11 percent over funding for fiscal year 1988. Since many of the appropriations accounts in the bill have been held to an increase of 1 percent, this indicates the importance the Committee attaches to the work of the Commission.

The recommendation will provide all base adjustments as well as the request for 153 new positions and $6,175,000 for the expanding workload of the Commission. An increase of $2,369,000 has been provided for the EDGAR electronic filing system. The Committee will entertain a reprogramming request if additional requirements for the EDGAR system develop.

## SMALL BUSINESS ADMINISTRATION

### SALARIES AND EXPENSES

### (INCLUDING TRANSFER OF FUNDS)

| | |
|---|---|
| 1988 appropriations to date | $215,832,000 |
| (By transfer) | (88,228,000) |
| 1989 budget estimate | 249,080,000 |
| (By transfer) | (88,228,000) |
| House allowance | |
| (By transfer) | |
| Committee recommendation | 237,148,000 |
| (By transfer) | (89,110,000) |

The Committee recommends an appropriation of $237,148,000 in new budget authority and, in addition, $89,110,000 by transfer from the Disaster Loan Fund for disaster loan-making activities and portfolio management. The recommended appropriation is $21,316,000 more than fiscal year 1988 appropriations to date; $11,932,000 less than the request for new budget authority; and $237,148,000 more than the House allowance which did not provide funding for this item.

The Committee recommendation provides for the following program levels:

| *Program* | *In thousands* |
|---|---|
| Finance and investment | $56,787 |
| Procurement assistance | 16,616 |
| Minority small business/COD | 27,004 |
| (7(j)) | (9,080) |
| Innovation, research, and technology | 1,215 |
| Advocacy | 5,196 |
| Special programs | 64,583 |
| (SBDC) | (40,000) |
| (SCORE) | (2,500) |
| (International trade) | (1,427) |
| (Veterans affairs) | (1,437) |
| Management and administration | 74,832 |
| General counsel | 15,078 |
| Inspector general | 7,734 |
| Hearings and appeals | 1,020 |
| Public communications | 1,261 |
| Legislative affairs | 602 |
| Executive direction and field administration | 30,897 |
| Disaster assistance | 26,000 |
| Subtotal | 328,825 |
| Less: Administration and management savings | −2,567 |
| Appropriation | 326,258 |
| Less: Transfer from disaster loan fund | −89,110 |
| New budget authority | 237,148 |

The bill funds disaster assistance at the level requested by the administration, and also allows for an increase of $500,000 for the International Trade Program and $4,000,000 for the Minority Small Business and Capital Ownership Development Program, in conformity with S. 1993 which will require approximately 100 new staff. The administration is directed to fully utilize these funds for hiring and training of staff to implement the legislative reforms that have been set forth by the authorizing committee.

The Committee expects SBA to maintain current personnel levels at the Clarksburg and Charleston, WV, offices.

### HAWAII SMALL BUSINESS DEVELOPMENT CENTER

The State of Hawaii is one of the few States without a small business development center. In 1985, Hawaii had 21,939 businesses, 97.6 percent of which employed fewer than 100 workers. The Committee further finds that business owners on the neighbor islands need special attention to help ensure their economic survival, development, and growth in a time of mounting trade deficits and increasing foreign competition. The University of Hawaii at Hilo has demonstrated considerable expertise in economic development and growth of small businesses on the neighbor islands. With additional support through the establishment of a small business development center on the Island of Hawaii, the Committee is confident that the university's excellent service will be increased to further benefit the small business community on all the islands. The Committee further finds it appropriate to establish satellite centers for the small business development center on the Islands of Oahu, Maui, and Kauai.

### BUSINESS LOAN AND INVESTMENT FUND

| | |
|---|---|
| 1988 appropriations to date | $176,000,000 |
| 1989 budget estimate | 130,000,000 |
| House allowance | |
| Committee recommendation | 169,000,000 |

The Committee recommends an appropriation of additional capital totaling $169,000,000 for the Business Loan and Investment Fund. The total amount recommended is $7,000,000 less than fiscal year 1988 appropriations, $39,000,000 more than the budget request, and $169,000,000 more than the House allowance which did not provide funding for this item.

The bill appropriates $169,000,000 for operation of this revolving fund which includes the funding for loan program levels for fiscal year 1989 as follows:

| | *Senate* |
|---|---|
| General business loans | $2,421,000,000 |
| Guaranteed | 2,421,000,000 |
| Handicapped loans | 18,000,000 |
| Direct | 13,000,000 |
| Guaranteed | 5,000,000 |
| Economic opportunity loans | 59,000,000 |
| Direct | 19,000,000 |
| Guaranteed | 40,000,000 |
| 8(a) loans | 10,000,000 |
| Direct | 10,000,000 |
| Energy loans | 5,000,000 |
| Guaranteed | 5,000,000 |
| Development company loans | 450,000,000 |
| Guaranteed | 450,000,000 |
| Investment company loans | 269,000,000 |
| Direct [MESBIC] | 36,000,000 |
| Guaranteed [SBIC] | 233,000,000 |
| Veterans loans | 17,000,000 |
| Direct | 17,000,000 |
| Total business loans | 3,239,000,000 |
| Direct | 95,000,000 |
| Guaranteed | 3,154,000,000 |

The Committee has eliminated funding for business development expense from the SBA "Business loan and investment" account in conformity with S. 1993 and H.R. 1807, which have been ordered favorably reported by the Senate Committee on Small Business. In addition, $10,000,000 is available for the new section 8(a) loan program authorized by the Senate bill.

### DISASTER LOAN FUND

### (LIMITATION ON DIRECT LOANS)

The Committee recommendation does not include bill language requested by the administration to prohibit any new direct loan obligations from the Disaster Loan Fund.

### SURETY BOND GUARANTEES REVOLVING FUND

| | |
|---|---|
| 1988 appropriations to date | $9,497,000 |
| 1989 budget estimate | 11,000,000 |
| House allowance | |
| Committee recommendation | 9,497,000 |

The Committee has approved $9,497,000 for additional capital for the Surety Bond Guarantees Revolving Fund for fiscal year 1989. The amount recommended is the same as was available in fiscal 1988, $9,497,000 more than the House allowance, and is $1,503,000 less than the budget request.

The additional capital provided to the fund will provide for the continuing expenses of the fund, including payments of claims resulting from defaulted bonds guaranteed in prior years.

### POLLUTION CONTROL EQUIPMENT CONTRACT GUARANTEE FUND

| | |
|---|---|
| 1988 appropriations to date | $13,656,000 |
| 1989 budget estimate | 14,000,000 |
| House allowance | |
| Committee recommendation | $13,656,000 |

The Committee has approved $13,656,000 for additional capital for the Pollution Control Equipment Contract Guarantee Fund for fiscal year 1989. The amount recommended is the same as the fiscal year 1988 appropriation, $344,000 less than the request, and $13,656,000 more than the House allowance. The Committee recommendation will provide for the continuing expenses of the fund, including payment of additional claims resulting from defaulted bonds guaranteed in prior years.

Under this program, the Small Business Administration is authorized, whenever it determines that small businesses would be at a financial disadvantage with respect to the installation of pollution control devices, to guarantee the payments of amounts due under qualified rental or purchase contracts for such equipment. The Government receives a fee of 3.5 percent of the amount guaranteed.

## STATE JUSTICE INSTITUTE

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $10,980,000 |
| 1989 budget estimate | 15,000,000 |
| House allowance | |
| Committee recommendation | 11,130,000 |

The Committee recommendation includes $11,130,000 for the State Justice Institute, authorized by Public Law 98–620. The amount recommended is $150,000 above the 1988 appropriations, $3,870,000 below the budget request, and $11,130,000 above the House allowance.

The State Justice Institute Act of 1984 (Public Law 98–620) created and authorized the State Justice Institute. The act established the Institute as a private nonprofit corporation to improve the administration and operation of the courts of the States and thus assure each person ready access to a fair and effective system of justice. The Institute is governed by an 11 member board of directors and operates with a small administrative staff. The Institute makes grants to State courts and their support organizations, law schools, and other organizations working in the field of judicial administration. Through such grants, the Institute has broad authority to fund research, technical assistance, demonstration, clearinghouse, education, training, and related activities to improve the administration of Justice.

The Committee has included language to extend the Institute through the end of fiscal year 1989 or until the effective date of a State Justice Institute Authorization Act, whichever is earlier.

## U.S. INFORMATION AGENCY

The Committee recommends a total of $881,047,000 for carrying out the activities of the U.S. Information Agency for fiscal year 1989. This amount is $572,000 more than the total requested for the agency, $61,026,000 more than the amount appropriated for fiscal year 1988, and $2,390,000 less than the House allowance. The increase over the budget is to maintain the educational and cultural exchanges at the 1988 level.

### SALARIES AND EXPENSES

| | |
|---|---|
| 1988 appropriations to date | $620,347,000 |
| 1989 budget estimate | 622,400,000 |
| House allowance | 620,347,000 |
| Committee recommendation | 619,032,000 |

The Committee recommends an appropriation of $619,032,000, a decrease of $1,315,000 below the fiscal year 1988 appropriations to date. The amount recommended is $3,368,000 less than the budget request and is $1,315,000 less than the House allowance.

This appropriation provides for basic operating costs of the Voice of America, overseas information and cultural operations, and domestic management and program support activities.

The Committee strongly supports USIA's Artistic Ambassador Program. Through this program, gifted American classical musicians are able to contribute to the cultural life of foreign nations and the public diplomacy of the United States. By the end of fiscal year 1988, 28 classicial musicians will have traveled to 63 countries. Regional auditions will be held around the country in the fall of 1988 for the 1989 season. To assure participation of the individuals selected for this program, the Committee recommends funding at the fiscal year 1988 level.

The amount recommended will provide the agency appeal levels of $171,481,000 for the Voice of America, $38,500,000 for the television and film service, and $35,985,000 for educational and cultural affairs. The amount recommended for the television and film service is $2,554,000 less than the USIA request, and will maintain most of the worldwide satellite network funded in the 1988 appropriation allowance of $36,900,000 and again require a limited waiver to section 201(2) of Public Law 100–204.

The Committee is aware of ongoing efforts by USIA to strengthen and improve programs to provide assistance in teaching English as a foreign language, to provide information to students about college education opportunities in the United States and to upgrade library facilities in the Pacific, particularly in the former Trust Territory of the Pacific Islands (the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau). Although the U.N. trusteeship agreement (through which these areas were placed under U.S. administration as a strategic trust) was terminated with respect to the FSM and the RMI by Presidential proclamation in 1986, the United States continues to enjoy a close relationship with these nations under the Compact of Free Association. The Committee believes these efforts by USIA will help strengthen our ties to these important areas and encourages USIA to give a high priority to this three prong effort.

## EDUCATIONAL AND CULTURAL EXCHANGES

| | |
|---|---|
| 1988 appropriations to date | $150,040,000 |
| 1989 budget estimate | 146,100,000 |
| House allowance | 150,040,000 |
| Committee recommendation | 150,040,000 |

The Committee recommends a program level of $150,040,000 for USIA's educational and cultural exchange programs. The recommended appropriation is the same as the 1988 appropriations to date, $3,940,000 more than the budget request, and is the same as the House allowance.

The amount recommended includes $540,000 for the Institute for Representative Government, $318,000 to provide multilingual interpreters and informational material at the world ski championships; and $3,000,000 to complete the funding of the Eisenhower fellowships.

The Committee recommendation will provide for the following program levels:

| | |
|---|---|
| Academic exchanges | $90,000,000 |
| Central America program for undergraduate students [CAMPUS] | 3,000,000 |
| International visitor exchanges | 39,000,000 |
| Hubert H. Humphrey fellowships | 5,250,000 |
| Congress Bundestag exchanges | 2,500,000 |
| Subtotal | 139,750,000 |
| Private sector programs | 10,290,000 |
| Total | 150,040,000 |

### ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

| | |
|---|---|
| 1988 appropriations to date | |
| 1989 budget estimate | $65,000,000 |
| House allowance | 65,000,000 |
| Committee recommendation | 65,000,000 |

The Committee recommends the full budget request of $65,000,000 for the acquisition and construction of the Voice of America's radio facilities in 1989, an increase of $65,000,000 over the 1988 appropriations to date. The amount recommended is the same as the budget request and the House allowance.

The Committee is providing up to $7,500,000 of this account to be used by USIA to initiate a surrogate home television broadcasting service to Cuba to be known as Television Marti. These funds shall be applied to purchase necessary capital equipment and programming, and to cover startup personnel costs as follows: $2,500,000 for the studio and other capitalized assets; $2,500,000 for preoperating costs such as recruiting and training staff; and $2,500,000 for a 90-day operating test. The Committee understands that further appropriations will be needed in the future to complete all required capital purchases and to operate the station with a full complement of personnel.

The Committee expects other executive branch agencies to be consulted by and to cooperate fully with USIA to implement this initiative without undue delay on a cost-effective basis. Such consultation shall include necessary technical, legal, policy, and regulatory matters. Other agency cooperation shall include making available to USIA, through loan, grant, or lease, assets necessary for this mission. It is expected that other agencies may have to detail specialists to USIA prior to the initiation of broadcasts.

The Committee is recommending bill language to ensure that television broadcasting to Cuba meets the same requirements enacted for radio broadcasting to Cuba. The language stipulates that if jamming of television broadcasts is done in response to broadcasts by TV Marti, the Government will not be liable for the compensation of television station licensees. The Committee is taking this action as a precautionary measure, since it has received information that such jamming will not cause interference with U.S. television station licensees.

### RADIO BROADCASTING TO CUBA

| | |
|---|---|
| 1988 appropriations to date | $12,759,000 |
| 1989 budget estimate | 11,175,000 |
| House allowance | 11,175,000 |
| Committee recommendation | 11,175,000 |

The Committee recommends an appropriation of $11,175,000 for the appropriation that funds the Voice of America Radio Marti Program. This recommendation is the same as the 1989 request and the House allowance, and $1,584,000 less than the fiscal year 1988 level. The Committee was advised that there will be a significant unobligated balance carried over in 1989 which when combined with nonrecurring expenditures, will meet the full requirements for 1989.

The Voice of America Radio Marti Program, which was established by the Radio Broadcasting to Cuba Act (Public Law 98-111), began broadcasting on May 20, 1985, at the planned level of 14½ hours per day. Radio Marti provides broadcasts in Spanish to the Cuban people of news, commentary, and other information about events in Cuba and elsewhere. Its objective is to reach Cuban audiences with programs which are objective, accurate, balanced and which present a variety of views. To fulfill this purpose, the Radio Marti Program is administered by the Voice of America as a separate entity and uses the VOA medium wave transmitter at Marathon, FL.

### CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

| | |
|---|---|
| 1988 appropriations to date | $20,000,000 |
| 1989 budget estimate | 20,000,000 |
| House allowance | 20,000,000 |
| Committee recommendation | 20,000,000 |

The Committee recommends an appropriation of $20,000,000, which is the same as the 1988 appropriations to date, the budget request, and the House allowance.

The Committee has deleted a provision contained in previous bills which states that "none of the funds appropriated herein shall be used to pay any salary or to enter into any contract providing for the payment thereof, in excess of the highest rate authorized in the General Schedule of the Classification Act of 1949, as amended." The net effect of this language, which was adopted in 1967, is to limit the base pay of East-West Center executives to $72,500. The restriction was originally added to the Center's appropriation in order to ensure that the president of the East-West Center would not earn more than the president of the University of Hawaii. Since then, the cost of living and the price of homes have increased dramatically in the State of Hawaii. The pay of the university president has also increased, but the salary of the Center's officers remains capped at General Schedule grade 16, step 5. In deleting this outdated and counterproductive restriction, the Committee is ensuring that the East-West Center will remain competitive with other top academic institutions in the United States. The Committee has received assurances from the Center's Board of Governors that pay increases will be reasonable and that the base salary for the East-West Centers' president, excluding cost-of-living allowance and housing, will not exceed General Schedule grade 18.

### NATIONAL ENDOWMENT FOR DEMOCRACY

| | |
|---|---|
| 1988 appropriations to date | $16,875,000 |
| 1989 budget estimate | 15,800,000 |
| House allowance | 16,875,000 |
| Committee recommendation | 15,800,000 |

The Committee recommends an appropriation of $15,800,000 for the National Endowment for Democracy for fiscal year 1989. This amount is the same as the budget request, but a decrease of $1,075,000 from the appropriation for fiscal year 1988 and the House allowance.

The National Endowment for Democracy [NED] is a private, non-profit corporation established in the District of Columbia to encourage and strengthen the development of democratic institutions and processes internationally, including activities which promote individual rights and freedom through private-sector initiatives, exchanges, training and other activities.

## TITLE VI—GENERAL PROVISIONS

This title contains a number of general provisions in sections 601 through 604, and 606 and 607, which have been applicable in the past to the departments and agencies funded by this appropriation. The Committee has not approved section 604 of the House bill requiring a drug-free workplace.

In section 605 of the bill, the Committee has continued all the Legal Services Corporation funding restrictions imposed during fiscal year 1988. One minor modification has been made to the restriction on implementing the private funds portion of the lobbying restriction to clarify the Committee's intent in imposing such restriction 1 year ago.

The Committee has inserted section 608 requiring that any sums necessary for fiscal year 1989 pay raises for programs funded by the act shall be absorbed within the levels appropriated in this act.

### BUDGETARY IMPACT OF BILL

PREPARED BY THE CONGRESSIONAL BUDGET OFFICE PURSUANT TO SEC. 308(a), PUBLIC LAW 93-344, AS AMENDED

[In millions of dollars]

| | Budget authority | | Outlays | |
|---|---|---|---|---|
| | Committee allocation | Amount in bill | Committee allocation | Amount in bill |
| Comparison of amounts in the bill with the Committee allocation to its subcommittees of amounts in the First Concurrent Resolution for 1989: Subcommittee on Commerce, Justice, and State, the Judiciary, and Related Agencies | 15.06 | 15,012 | 15.02 | [1] 15,029 |
| Projections of outlays associated with budget authority recommended in the bill: | | | | [2] 11,493 |
| 1989 | | | | 2,390 |
| 1990 | | | | 831 |
| 1991 | | | | 272 |
| 1992 | | | | 50 |
| 1993 and future year | | | | |
| Financial assistance to State and local governments for 1989 in the bill | | 531 | | 197 |
| | Direct loans | | Loan guarantees | |
| Credit authority estimates, fiscal year 1989 | 450 | 460 | 3,066 | 3,206 |

[1] Includes outlays from prior-year budget authority

[2] Excludes outlays from prior-year budget authority.

NOTE. Reflects $15,100,000 in budget authority and $12,986,000 in outlays associated with FBI-INF activities in President's budget amendment contained in House Document 100-199 and offset in Defense allocation.

## COMPLIANCE WITH PARAGRAPH 7, RULE XVI, OF THE STANDING RULES OF THE SENATE

Paragraph 7 of rule XVI requires that Committee reports on general appropriations bills identify each Committee amendment to the House bill "which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session."

The following provisions fall under this rule: the Economic Development Administration; the Minority Business Development Agency; the U.S. Travel and Tourism Administration; portions of the National Oceanic and Atmospheric Administration; the National Telecommunications and Information Administration; the Patent and Trademark Office; the National Bureau of Standards; the National Telecommunications and Information Administration; all of the Department of Justice with the exception of the assets forfeiture fund and grants for law enforcement assistance and Mariel Cubans in the Office of Justice Assistance; court security for the Judiciary; the Maritime Administration; the Israel Relay Station of the Board for International Broadcasting; the Federal Communications Commission; the Federal Trade Commission; the International Trade Commission; the Japan-United States Friendship Corporation; the Legal Services Corporation; the Marine Mammal Commission; the United States Trade Representative; the Small Business Administration; and the State Justice Institute.

## COMPLIANCE WITH PARAGRAPH 7(c) OF RULE XXVI, STANDING RULES OF THE SENATE

Rule XXVI, paragraph 7(c) states: "Whenever any Committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast by each member of the committee in favor of and in opposition to such measure or matter."

There were no rollcall votes on this measure.

## COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE STANDING RULES OF THE SENATE

Paragraph 12 of rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include "(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee."

In compliance with this rule, the following changes in existing law proposed to be made by the bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is printed in italic; and existing law in which no change is proposed is shown in roman.

Title 8 United States Code 1356 is amended by adding after subsection 1 the following new subsections:

**§ 1356. Disposition of monies collected under the provision of this subchapter.**

*(m) Notwithstanding any other provision of law, all adjudication fees as are designated by the Attorney General in regulations shall be deposited into a separate account entitled "Immigration Examinations Fee Account" in the Treasury of the United States, whether collected directly by the Attorney General or through clerks of courts: Provided, however, That all fees received by the Attorney General from applicants residing in the Virgin Islands of the United States, and in Guam, under this subsection shall be paid over to the treasury of the Virgin Islands and to the treasury of Guam.*

*(n) All deposits into the "Immigration Examinations Fee Account" in excess of fifty million dollars shall remain available until expended to the Attorney General to reimburse any appropriation the amount paid out of such appropriation for expenses in providing immigration adjudication and naturalization services and the collection, safeguarding and accounting for fees deposited in and funds reimbursed from the "Immigration Examinations Fee Account". At least annually, deposits in the amount of fifty million dollars shall be transferred from the "Immigration Examinations Fee Account" to the General Fund of the Treasury of the United States.*

Title 8 United States Code 1455(q) is amended as follows:

**§ 1455. Fiscal provisions.**

(g) All fees collected by the Attorney General, and all fees paid over to the Attorney General by clerks of courts under the provisions of this subchapter, shall be deposited by the Attorney General in the Treasury of the United States *except that all fees collected by the Attorney General on or after October 1, 1988, under the provisions of this subchapter, shall be deposited in the "Immigration Examinations Fee Account" in the Treasury of the United States established pursuant to the provisions of section 286 (m), (n), (o), and (p): Provided, however,* That all fees received by the Attorney General or by the clerks of the courts from applicants residing in the Virgin Islands of the United States, and in Guam, under this subsection, shall be paid over to the treasury of the Virgin Islands and to the treasury of Guam, respectively.

Section 303 of the Department of State Appropriations Act, 1988 (as contained in section 101(a) of Public Law 100–202) 101 Stat. 1329–23 is amended as follows:

SEC. 303. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a total of [$290,000]

*$340,000* for each fiscal year to carry out (in accordance with the respective authorization amounts) paragraph (2) of the first section of Public Law 74–170, section 2(2) of Public Law 84–689, section 2 of Public Law 86–42, [and] section 2 of Public Law 86–420, *and section 109(c) of the Department of State Authorization Act, Fiscal Years 1984 and 1985.* These funds may be disbursed to each delegation, pursuant to vouchers in accordance with the applicable provisions of law, at any time requested by the Chairman of the delegation after that fiscal year begins. Section 2 of Public Law 84–689 is amended by striking out "annually," and inserting in lieu thereof "annually (1)", by striking out "$50,000, $25,000" and inserting in lieu thereof "(2) $100,000, $50,000", and by striking out "and $25,000" and inserting in lieu thereof "and $50,000".

Title 28 United States Code 152(a)(2) is amended as follows:

**§ 152. Appointment of bankruptcy judges.**

(a)(1) The United States court of appeals for the circuit shall appoint bankruptcy judges for the judicial districts established in paragraph (2) in such numbers as are established in such paragraph. Such appointments shall be made after considering the recommendations of the Judicial Conference submitted pursuant to subsection (b). Each bankruptcy judge shall be appointed for a term of fourteen years, subject to the provisions of subsection (e). Bankruptcy judges shall serve as judicial officers of the United States district court established under Article III of the Constitution.

(2) The bankruptcy judges appointed pursuant to this section shall be appointed for the several judicial districts as follows:

| Districts | Judges |
|---|---|
| Alabama: | |
| Northern | 5 |
| Middle | 2 |
| Southern | 2 |
| Alaska | [1]*2* |
| Arizona | [4]*5* |
| Arkansas: | |
| Eastern and Western | 3 |
| California: | |
| Northern | 9 |
| Eastern | 6 |
| Central | 19 |
| Southern | 4 |
| Colorado | [4]*5* |
| Connecticut | 2 |
| Delaware | 1 |

| Districts | Judges |
|---|---|
| District of Columbia | 1 |
| Florida: | |
| Northern | 1 |
| Middle | 4 |
| Southern | 3 |
| Georgia: | |
| Northern | 6 |
| Middle | 2 |
| Southern | 2 |
| Hawaii | 1 |
| Idaho | 2 |
| Illinois: | |
| Northern | 10 |
| Central | 3 |
| Southern | 1 |
| Indiana: | |
| Northern | 3 |
| Southern | 4 |
| Iowa: | |
| Northern | 2 |
| Southern | 2 |
| Kansas | 3 |
| Kentucky: | |
| Eastern | 1 |
| Western | 3 |
| Louisiana: | |
| Eastern | 2 |
| Middle | 1 |
| Western | 3 |
| Maine | 2 |
| Maryland | 3 |
| Massachusetts | 4 |
| Michigan: | |
| Eastern | 4 |
| Western | 3 |
| Minnesota | 4 |
| Mississippi: | |
| Northern | 1 |
| Southern | 2 |
| Missouri: | |
| Eastern | 3 |
| Western | 3 |
| Montana | 1 |
| Nebraska | 2 |
| Nevada | 3 |
| New Hampshire | 1 |
| New Jersey | 7 |

| Districts | Judges |
|---|---|
| New Mexico | 2 |
| New York: | |
| Northern | 2 |
| Southern | 7 |
| Eastern | 6 |
| Western | 3 |
| North Carolina: | |
| Eastern | 2 |
| Middle | 2 |
| Western | 2 |
| North Dakota | 1 |
| Ohio: | |
| Northern | 8 |
| Southern | 7 |
| Oklahoma: | |
| Northern | 2 |
| Eastern | 1 |
| Western | 3 |
| Oregon | 5 |
| Pennsylvania: | |
| Eastern | 3 |
| Middle | 2 |
| Western | 4 |
| Puerto Rico | 2 |
| Rhode Island | 1 |
| South Carolina | 2 |
| South Dakota | 2 |
| Tennessee: | |
| Eastern | 3 |
| Middle | 2 |
| Western | 3 |
| Texas: | |
| Northern | 5 |
| Eastern | 1 |
| Southern | 6 |
| Western | 3 |
| Utah | 3 |
| Vermont | 1 |
| Virginia: | |
| Eastern | 4 |
| Western | 3 |
| Washington: | |
| Eastern | 2 |
| Western | 5 |
| West Virginia: | |
| Northern | 1 |
| Southern | 1 |

| Districts | Judges |
|---|---|
| Wisconsin: | |
| Eastern | 4 |
| Western | 2 |
| Wyoming | 1. |

Title 28 United States Code 332(f) is amended as follows:

**§ 332. Judicial councils of circuits.**

(f) The standards for certification as qualified to be a circuit executive shall be set by a Board of Certification. These standards shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The Board of Certification shall consist of five members, three of whom shall be elected by the Judicial Conference of the United States, and at least one of these three shall be selected from among persons experienced in executive recruitment and selection. The additional two members shall be the Director of the Administrative Office of the United States Courts and the Director of the Federal Judicial Center. The members of the Board elected by the Judicial Conference shall each serve for three years except that upon appointment of the first members, one member shall serve for one year, one for two years, and one for three years. The Board shall consider all applicants who apply for certification, shall certify qualified applicants, shall maintain a roster of all persons certified, and shall publish the standards for certification. A person's name shall be removed from the roster after three years unless he is recertified. Three members of the Board shall constitute a quorum for purposes of fixing standards and for certifying applicants, but no action of the Board shall be taken unless three of the members are in agreement. The Director of the Administrative Office of the United States Courts shall provide staff assistance in support of the operation of the Board. Expenses of the Board of Certification shall be borne by the travel and miscellaneous expense funds appropriated to the Federal judiciary. Any member of the Board who is an officer or employee of the United States shall serve without compensation. Other members shall receive the daily equivalent of the rate provided for GS–18 of the General Schedule contained in section 5332 of title 5, United States Code, when actually engaged in service for the Board.

Each circuit executive shall be paid at a salary to be established by the Judicial Conference of the United States not to exceed the annual rate of [level V] *level IV* of the Executive Schedule pay rates (5 U.S.C. 5316).

The circuit executive shall serve at the pleasure of the judicial council of the circuit.

The circuit executive may appoint, with the approval of the council, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

The circuit executive and his staff shall be deemed to be officers and employees of the judicial branch of the United States Government within the meaning of subchapter III of chapter 83 (relating to civil service retirement), chapter 87 (relating to Federal employees' life insurance program), and chapter 89 (relating to Federal employees' health benefits program) of title 5, United States Code.

Title 28 United States Code 603 is amended as follows:

**§ 603. Salaries.**

The salary of the Director shall be the same as the salary of a district judge. The salaries of the Deputy Director and of [three] *six* additional positions shall be fixed by the Director at rates not to exceed the annual rate or basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5.

Title 35 United States Code 154 is amended as follows:

## CHAPTER 14—ISSUE OF PATENT

**§ 154. Contents and term of patent.**

Every patent shall contain a short title of the invention and a grant to the patentee, his heirs or assigns, for the term of seventeen years, subject to the payment of fees as provided for in this title, of the right to exclude others from making, using, or selling the invention throughout the United States, *and, if the invention is a process, of the right to exclude others from using or selling throughout the United States, or importing into the United States, products made by that process,* referring to the specifications for the particulars thereof. A copy of the specification and drawings shall be annexed to the patent and be a part thereof.

Title 35 United States Code 271 is amended as follows:

## CHAPTER 28—INFRINGEMENT OF PATENTS

**§ 271. Infringement of patent.**

(a) Except as otherwise provided in this title, whoever without authority makes, uses or sells any patented invention, within the United States during the term of the patent therefor, infringes the patent.

(b) Whoever actively induces infringement of a patent shall be liable as an infringer.

(c) Whoever sells a component of a patented machine, manufacture, combination or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use, shall be liable as a contributory infringer.

(d) No patent owner otherwise entitled to relief for infringement or contributory infringement of a patent shall be denied relief or deemed guilty of misuse or illegal extension of the patent right by reason of his having done one or more of the following: (1) derived revenue from acts which if performed by another without his consent would constitute contributory infringement of the patent; (2) licensed or authorized another to perform acts which if performed without his consent would constitute contributory infringement of the patent; (3) sought to enforce his patent rights against infringement or contributory infringement.

(e)(1) It shall not be an act of infringement to make, use, or sell a patented invention (other than a new animal drug or veterinary biological product (as those terms are used in the Federal Food, Drug, and Cosmetic Act and the Act of March 4, 1913)) solely for uses reasonably related to the development and submission of information under a Federal law which regulates the manufacture, use, or sale of drugs.

(2) It shall be an act of infringement to submit an application under section 505(j) of the Federal Food, Drug, and Cosmetic Act or described in section 505(b)(2) of such Act for a drug claimed in a patent or the use of which is claimed in a patent, if the purpose of such submission is to obtain approval under such Act to engage in the commercial manufacture, use, or sale or a drug claimed in a patent or the use of which is claimed in a patent before the expiration of such patent.

(3) In any action for patent infringement brought under this section, no injunctive or other relief may be granted which would prohibit the making, using, or selling of a patented invention under paragraph (1).

(4) For an act of infringement described in paragraph (2)—

(A) the court shall order the effective date of any approval of the drug involved in the infringement to be a date which is not earlier than the date of the expiration of the patent which has been infringed,

(B) injunctive relief may be granted against an infringer to prevent the commercial manufacture, use, or sale of an approved drug, and

(C) damages or other monetary relief may be awarded against an infringer only if there has been commercial manufacture, use, or sale of an approved drug.

The remedies prescribed by subparagraphs (A), (B), and (C) are the only remedies which may be granted by a court for an act of infringement described in paragraph (2), except that a court may award attorney fees under section 285.

(f)(1) Whoever without authority supplies or causes to be supplied in or from the United States all or a substantial portion of the components of a patented invention, where such components are unbcombined in whole or in part, in such manner as to actively induce the combination of such components outside of the United States in a manner that would infringe the patent if such combination occurred within the United States, shall be liable as an infringer.

(2) Whoever without authority supplies or causes to be supplied in or from the United States any component of a patented invention that is especially made or especially adapted for use in the invention and not a staple article or commodity of commerce suitable for substantial noninfringing use, where such component is uncombined in whole or in part, knowing that such component is so made or adopted and intending that such component will be combined outside of the United States in a manner that would infringe the patent if such combination occurred within the United States, shall be liable as an infringer.

*(g) Whoever without authority imports into the United States or sells or uses within the United States a product which is made by a process patented in the United States shall be liable as an infringer, if the importation, sale, or use of the product occurs during the term of such process patent. In an action for infringement of a process patent, no remedy may be granted for infringement on account of the noncommercial use of retail sale of a product unless there is no adequate remedy under this title for infringement on account of the importation or other use or sale of that product. A product which is made by a patented process will, for purposes of this title, not be considered to be so made after—*

*(1) it is materially changed by subsequent processor; or*

*(2) it becomes a trivial and nonessential component of another product.*

Title 35 United States Code 287 is amended as follows:

## CHAPTER 29—REMEDIES FOR INFRINGEMENT OF PATENT, AND OTHER ACTIONS

### § 287. [Limitation on damages] ***Limitation on damages and other remedies***; marking and notice.

*(a)* Patentees, and persons making or selling any patented article for or under them, may give notice to the public that the same is patented, either by fixing thereon the word "pa-

tent" or the abbreviation "pat.", together with the number of the patent, or when, from the character of the article, this can not be done, by fixing to it, or to the package wherein one or more of them is contained, a label containing a like notice. In the event of failure so to mark, no damages shall be recovered by the patentee in any action for infringement, except on proof that the infringer was notified of the infringement and continued to infringe thereafter, in which event damages may be recovered only for infringement occurring after such notice. Filing of an action for infringement shall constitute such notice.

*(b)(1) An infringer under section 271(g) shall be subject to all the provisions of this title relating to damages and injunctions except to the extent that those remedies are modified by this subsection or the Process Patent Amendments Act of 1988. The modifications of remedies provided in this subsection shall not be available to any person who—*

*(A) practiced the patented process;*

*(B) owns or controls, or is owned or controlled by, the person who practiced the patented process; or*

*(C) had knowledge before the infringement that a patented process was used to make the product the importation, use, or sale of which constitutes the infringement.*

*(2) No remedies for infringement under section 271(g) of this title shall be available with respect to any product in the possession of, or in transit to, the person subject to liability under such section before that person had notice of infringement with respect to that product. The person subject to liability shall bear the burden of proving any such possession or transit.*

*(3)(A) In making a determination with respect to the remedy in an action brought for infringement under section 271(g), the court shall consider—*

*(i) the good faith demonstrated by the defendant with respect to a request for disclosure,*

*(ii) the good faith demonstrated by the plaintiff with respect to a request for disclosure, and*

*(iii) the need to restore the exclusive rights secured by the patient.*

*(B) For purposes of subparagraph (A) the following are evidence of good faith:*

*(i) a request for disclosure made by the defendant;*

*(ii) a response with a reasonable time by the person receiving the request for disclosure; and*

*(iii) the submission of the response by the defendant to the manufacture, or if the manufacturer is not known, to the supplier, of the product to be purchased by the defendant, together with a request for a written statement that the process claimed in any patent disclosed in the response is not used to produce such product.*

*The failure to perform any acts described in the preceding sentence is evidence of absence of good faith unless there are mitigating circumstances. Mitigating circumstances include the case in which, due to the nature of the product, the number of sources for the product, or like commercial circumstances, a request for disclosure is necessary or practicable to avoid infringement.*

*(4)(A) For purposes of this section, a "request for disclosure" means a written request made to a person then engaged in the manufacture of a product to identify all process patents owned by or licensed to that person, as of the time of the request, that the person then reasonably believes could be asserted to be infringed under section 271(g) if that product were imported into, or sold or used in, the United States by an unauthorized person. A request for disclosure is further limited to a request—*

*(i) which is made by a person regularly engaged in the United States in the sale of the same type of products as those manufactured by the person to whom the request is directed, or which includes facts showing that the person making the request plans to engage in the sale of such products in the United States;*

*(ii) which is made by such person before the person's first importation, use, or sale of units of the product produced by an infringing process and before the person had notice of infringement with respect to the product; and*

*(iii) which includes a representation by the person making the request that such person will promptly submit the patents identified pursuant to the request to the manufacturer, or if the manufacturer is not known, to the supplier, of the product to be purchased by the person making the request, and will request from that manufacturer or supplier a written statement that none of the processes claimed in those patents is used in the manufacture of the product.*

*(B) In the case of a request for disclosure received by a person to whom a patent is licensed, that person shall either identify the patent or promptly notify the licensor of the request for disclosure.*

*(C) A person who has marked, in the manner prescribed by subsection, (a), the number of the process patent on all products made by the patented process which have been sold by that person in the United States before a request for disclosure is received is not required to respond to the request for disclosure. For purposes of the preceding sentence, the term "all products" does not include products made before the effective date of the Process Patent Amendment Act of 1988.*

*(5)(A) For purposes of this subsection, notice of infringement means actual knowledge, or receipt by a person of a written notification, or a combination thereof, of information sufficient*

*to persuade a reasonable person that it is likely that a product was made by a process patented in the United States.*

*(B) A written notification from the patent holder charging a person with infringement shall specify the patented process alleged to have been used and the reasons for a good faith belief that such process was used. The patent holder shall include in the notification such information as is reasonably necessary to explain fairly the patent holder's belief, except that the patent holder is not required to disclose any trade secret information.*

*(C) A person who receives a written notification described in subparagraph (B) or a written response to a request for disclosure described in paragraph (4) shall be deemed to have notice of infringement with respect to any patent referred to in such written notification or response unless that person, absent mitigating circumstances—*

*(i) promptly transmits the written notification or response to the manufacturer or, if the manufacturer is not known, to the supplier, of the product purchased or to be purchased by that person; and*

*(ii) receives a written statement from the manufacturer or sukpplier which on its face sets forth a well grounded factual basis for a belief that the identified patents are not infringed.*

*(D) For purposes of this subsection, a person who obtains a product made by a process patented in the United States in a quantity which is abnormally large in relation to the volume of business of such person or an efficient inventory level shall be rebuttably presumed to have actual knowledge that the product was made by such patented process.*

*(6) A person who receives a response to a request for disclosure under this subsection shall pay to the person to whom the request was made a reasonable fee to cover actual costs incurred in complying with the request, which may not exceed the cost of a commercially available automated patent search of the matter involved, but in no case more than $500.*

Title 35 United States Code 287 in the table of sections is amended as follows:

## CHAPTER 29—REMEDIES FOR INFRINGEMENT OF PATENT, AND OTHER ACTIONS

### TABLE OF CONTENTS

Sec.
281. Remedy for infringement of patent.
282. Presumption of validity; defenses.
283. Injunction.
284. Damages.
285. Attorney fees.
286. Time limitation on damages.
287. Limitation on damages *and other remedies*; marking and notice.
288. Action for infringement of a patent containing an invalid claim.
289. Additional remedy for infringement of design patent.
290. Notice of patent suits.
291. Interfering patents.
292. False marking.
293. Nonresident patentee, service and notice.
294. Voluntary arbitration.
*295. Presumption: Product made by patented process.*

Title 35 United States Code 295 is amended as follows:

## CHAPTER 29—REMEDIES FOR INFRINGEMENT OF PATENT, AND OTHER ACTIONS

### ***§ 295. Presumption: Product made by patented process.***

*In actions alleging infringement of a process patent based on the importation, sale, or use of a product which is made from a process patented in the United States, if the court finds—*

*(1) that a substantial likelihood exists that the product was made by the patented process, and*

*(2) that the plaintiff has made a reasonable effort to determine the process actually used in the production of the product and was unable so to determine,*

*the product shall be presumed to have been so made, and the burden of establishing that the product was not made by the process shall be on the party asserting that it was not so made.*

Title 35 United States Code 184 is amended as follows:

## CHAPTER 17—SECRECY OF INVENTIONS, ETC.

### **§ 184. Filing of application in foreign country.**

Except when authorized by a license obtained from the Commissioner a person shall not file or cause or authorize to be filed in any foreign country prior to six months after filing in the United States an application for patent or for the registration of a utility model, industrial design, or model in respect of an invention made in this country. A license shall not be granted with respect to an invention subject to an order issued by the Commissioner pursuant to section 181 of this title without the concurrence of the head of the departments and the chief officers of the agencies who caused the order to be issued. The license may be granted retroactively where an application has been [inadvertently] filed abroad *through error and without deceptive intent* and the application does not disclose an invention within the scope of section 181 of this title.

The term "application" when used in this chapter includes applications and any modifications, amendments, or supplements thereto, or divisions thereof

*The scope of a license shall permit subsequent modifications, amendments, and supplements containing additional subject mater if the aplication upon which the request for the license is based is not, or was not, required to be made available for inspection under section 181 of this title and if such modifications, amendments, and supplements do not change the general nature of the invention in a manner which would require such applicaiton to be made available for inspection under such section 181. In any case in which a license is not, or was not, required in order to file an application in any foreign country, such subsequent modifications, amendments, and supplements may be made, without a license, to the application filed in the foreign country if the United States application was not required to be made available for inspection under section 181 and if such modifications, amendments, and supplements do not, or did not, change the general nature of the invention in a manner which would require the United States application to have been made available for inspection under such section 181.*

Title 35 United States Code 185 is amended as follows:

**§ 185. Patent barred for filing without license.**

Notwithstanding any other provisions of law any person, and his successors, assigns, or legal representatives, shall not receive a United States patent for an invention if that person, or his successors, assigns, or legal representatives shall, without procuring the license prescribed in section 184 of this title, have made, or consented to or assisted another's making, application in a foreign country for a patent or for the registration of a utility model, industrial design, or model in respect of the invention. A United States patent issued to such person, his successors, assigns, or legal representatives shall be invalid. *unless the failure to procure such license was through error and without deceptive intent, and the patent does not disclose subject matter within the scope of section 181 of this title*

Title 35 United States Code 186 is amended as follows:

**§ 186. Penalty.**

Whoever, during the period or periods of time an invention has been ordered to be kept secret and the grant of a patent thereon withheld pursuant to section 181 of this title, shall, with knowledge of such order and without due authorization, willfully publish or disclose or authorize or cause to be published or disclosed the invention, or material information with respect thereto, or whoever *willfully*, in violation of the provisions of section 184 of this title, shall file or cause or authorize to be filed in any foreign country an application for patent or for the registration of a utility model, industrial design, or model in respect of any invention made in the United States, shall upon conviction, be fined not more than $10,000 or imprisoned for not more than two years, or both.

## COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1988 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1989

[Amounts in dollars]

| Item (1) | 1988 appropriation (2) | Budget estimate (3) | House allowance (4) | Committee recommendation (5) | Senate committee recommendation compared with (+ or -) | | |
|---|---|---|---|---|---|---|---|
| | | | | | 1988 appropriation (6) | Budget estimate (7) | House allowance (8) |
| TITLE I - DEPARTMENT OF COMMERCE | | | | | | | |
| General Administration | | | | | | | |
| Salaries and expenses | 39,204,000 | 41,303,000 | 39,204,000 | 41,000,000 | +1,796,000 | -303,000 | +1,796,000 |
| Rescission | -1,541,000 | --- | --- | --- | +1,541,000 | --- | --- |
| Total, General Administration | 37,663,000 | 41,303,000 | 39,204,000 | 41,000,000 | +3,337,000 | -303,000 | +1,796,000 |
| Bureau of the Census | | | | | | | |
| Salaries and expenses | 94,835,000 | 103,970,000 | 94,835,000 | 96,995,000 | +2,160,000 | -6,975,000 | +2,160,000 |
| Periodic censuses and programs | 346,444,000 | 567,211,000 | 527,304,000 | 538,399,000 | +191,955,000 | -28,812,000 | +11,095,000 |
| Total, Bureau of the Census | 441,279,000 | 671,181,000 | 622,139,000 | 635,394,000 | +194,115,000 | -35,787,000 | +13,255,000 |
| Economic and Statistical Analysis | | | | | | | |
| Salaries and expenses | 32,079,000 | 32,539,000 | 29,667,000 | 33,000,000 | +921,000 | +461,000 | +3,333,000 |
| Economic Development Administration | | | | | | | |
| Economic development assistance programs | 182,028,000 | --- | --- | 183,500,000 | +1,472,000 | +183,500,000 | +183,500,000 |
| (Limitation on loan guarantees) | (150,000,000) | --- | --- | (150,000,000) | --- | (+150,000,000) | (+150,000,000) |
| Salaries and expenses | 24,742,000 | 40,000,000 | --- | 24,989,000 | +247,000 | -15,011,000 | +24,989,000 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Total, Economic Development Administration (net) | 206,770,000 | 40,000,000 | --- | 208,489,000 | +1,719,000 | +168,489,000 | +208,489,000 |
| International Trade Administration | | | | | | | |
| Operations and administration........................ | 161,432,000 | 169,337,000 | 161,432,000 | 179,917,000 | +18,485,000 | +10,580,000 | +18,485,000 |
| Export Administration | | | | | | | |
| Operations and administration........................ | 37,465,000 | 39,313,000 | 37,465,000 | 40,481,000 | +3,016,000 | +1,168,000 | +3,016,000 |
| Minority Business Development Agency | | | | | | | |
| Minority business development........................ | 39,705,000 | --- | --- | 40,102,000 | +397,000 | +40,102,000 | +40,102,000 |
| United States Travel and Tourism Administration | | | | | | | |
| Salaries and expenses................................ | 11,724,000 | 11,000,000 | --- | 13,800,000 | +2,076,000 | +2,800,000 | +13,800,000 |
| National Oceanic and Atmospheric Administration | | | | | | | |
| Operations, research, and facilities.................. | 1,110,015,000 | 1,064,371,000 | 1,181,858,000 | 1,263,854,000 | +153,839,000 | +199,483,000 | +81,996,000 |
| Aviation weather services program (Airport and Airways Trust Fund)........................... | 28,291,000 | 30,000,000 | --- | 30,000,000 | +1,709,000 | --- | +30,000,000 |
| (By transfer from Promote and Develop Fund)....... | (44,397,000) | (56,300,000) | --- | (45,600,000) | (+1,203,000) | (-10,700,000) | (+45,600,000) |
| (By transfer from Coastal Energy Impact Fund)..... | (15,248,000) | (6,500,000) | --- | (6,500,000) | (-8,748,000) | --- | (+6,500,000) |
| Fishing vessel and gear damage fund.................. | --- | 500,000 | --- | --- | --- | -500,000 | --- |
| Fishermen's contingency fund......................... | 719,000 | 750,000 | 719,000 | 726,000 | +7,000 | -24,000 | +7,000 |
| Foreign fishing observer fund........................ | 1,919,000 | 2,000,000 | 1,919,000 | 1,938,000 | +19,000 | -62,000 | +19,000 |
| Total, National Oceanic and Atmospheric Administration................................ | 1,140,944,000 | 1,097,621,000 | 1,184,496,000 | 1,296,518,000 | +155,574,000 | +198,897,000 | +112,022,000 |
| Patent and Trademark Office | | | | | | | |
| Salaries and expenses................................ | 120,000,000 | 122,504,000 | --- | 113,529,000 | -6,471,000 | -8,975,000 | +113,529,000 |

## COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1988 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1989—Continued

[Amounts in dollars]

| Item (1) | 1988 appropriation (2) | Budget estimate (3) | House allowance (4) | Committee recommendation (5) | Senate committee recommendation compared with (+ or -): 1988 appropriation (6) | Budget estimate (7) | House allowance (8) |
|---|---|---|---|---|---|---|---|
| National Bureau of Standards | | | | | | | |
| Scientific and technical research and services | 144,783,000 | 158,039,000 | --- | 146,231,000 | +1,448,000 | -11,808,000 | +146,231,000 |
| National Telecommunications and Information Administration | | | | | | | |
| Salaries and expenses | 13,814,000 | 13,630,000 | --- | 13,630,000 | -184,000 | --- | +13,630,000 |
| Public telecommunications facilities, planning and construction | 21,290,000 | --- | --- | 21,590,000 | +300,000 | +21,590,000 | +21,590,000 |
| Total, National Telecommunications and Information Administration | 35,104,000 | 13,630,000 | --- | 35,220,000 | +116,000 | +21,590,000 | +35,220,000 |
| Total, title I, Department of Commerce: | | | | | | | |
| New budget (obligational) authority (net) | 2,408,948,000 | 2,396,467,000 | 2,074,403,000 | 2,783,681,000 | +374,733,000 | +387,214,000 | +709,278,000 |
| Appropriations | (2,410,489,000) | (2,396,467,000) | (2,074,403,000) | (2,783,681,000) | (+373,192,000) | (+387,214,000) | (+709,278,000) |
| Rescission | (-1,541,000) | --- | --- | --- | (+1,541,000) | --- | --- |
| (By transfer) | (59,645,000) | (62,800,000) | --- | (52,100,000) | (-7,545,000) | (-10,700,000) | (+52,100,000) |
| (Limitation on loan guarantees) | (150,000,000) | --- | --- | (150,000,000) | --- | (+150,000,000) | (+150,000,000) |

## TITLE II - DEPARTMENT OF JUSTICE

### General Administration

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Salaries and expenses.................................. | 88,360,000 | 100,802,000 | --- | 89,244,000 | +884,000 | -11,558,000 | +89,244,000 |
| Working capital fund................................. | --- | --- | --- | --- | --- | --- | --- |
| (By transfer)...................................... | (4,000,000) | --- | --- | --- | (-4,000,000) | --- | --- |
| Total, General Administration.................... | 88,360,000 | 100,802,000 | --- | 89,244,000 | +884,000 | -11,558,000 | +89,244,000 |

### United States Parole Commission

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Salaries and expenses.................................. | 11,665,000 | 10,893,000 | --- | 10,893,000 | -772,000 | --- | +10,893,000 |

### Legal Activities

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Salaries and expenses, general legal activities....... | 237,209,000 | 270,186,000 | --- | 240,591,000 | +3,382,000 | -29,595,000 | +240,591,000 |
| Salaries and expenses, Antitrust Division............. | 44,937,000 | 47,021,000 | --- | 45,386,000 | +449,000 | -1,635,000 | +45,386,000 |
| Salaries and expenses, United States Attorneys........ | 380,339,000 | 424,418,000 | --- | 391,212,000 | +10,873,000 | -33,206,000 | +391,212,000 |
| United States Trustees System Fund.................... | 29,370,000 | --- | --- | --- | -29,370,000 | --- | --- |
| Fees available...................................... | 18,000,000 | 59,493,000 | --- | 47,784,000 | +29,784,000 | -11,709,000 | +47,784,000 |
| Total, United States Trustee System Fund........ | 47,370,000 | 59,493,000 | --- | 47,784,000 | +414,000 | -11,709,000 | +47,784,000 |
| Salaries and expenses, Foreign Claims Settlement Commission............................................ | 500,000 | 472,000 | --- | 472,000 | -28,000 | --- | +472,000 |
| Salaries and expenses, United States Marshals Service. | 183,168,000 | 207,582,000 | --- | 185,000,000 | +1,832,000 | -22,582,000 | +185,000,000 |
| Support of United States prisoners.................... | 73,746,000 | 118,265,000 | --- | 87,649,000 | +13,903,000 | -30,616,000 | +87,649,000 |
| Fees and expenses of witnesses........................ | 53,015,000 | 51,569,000 | --- | 51,569,000 | -1,446,000 | --- | +51,569,000 |
| Salaries and expenses, Community Relations Service.... | 27,858,000 | 28,815,000 | --- | 28,137,000 | +279,000 | -678,000 | +28,137,000 |
| Assets forfeiture fund, indefinite.................... | 86,500,000 | 200,000,000 | 200,000,000 | 147,056,000 | +60,556,000 | -52,944,000 | -52,944,000 |
| Total, legal activities......................... | 1,134,642,000 | 1,407,821,000 | 200,000,000 | 1,224,856,000 | +90,214,000 | -182,965,000 | +1,024,856,000 |

## COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1988 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1989—Continued

[Amounts in dollars]

| | | | | | Senate committee recommendation compared with (+ or -) | | |
|---|---|---|---|---|---|---|---|
| Item (1) | 1988 appropriation (2) | Budget estimate (3) | House allowance (4) | Committee recommendation (5) | 1988 appropriation (6) | Budget estimate (7) | House allowance (8) |
| Federal Bureau of Investigation | | | | | | | |
| Salaries and expenses | 1,388,492,000 | 1,503,307,000 | --- | 1,409,877,000 | +21,385,000 | -93,430,000 | +1,409,877,000 |
| INF Activities | --- | 15,100,000 | --- | 15,100,000 | +15,100,000 | --- | +15,100,000 |
| Total, Federal Bureau of Investigation | 1,388,492,000 | 1,518,407,000 | --- | 1,424,977,000 | +36,485,000 | -93,430,000 | +1,424,977,000 |
| Drug Enforcement Administration | | | | | | | |
| Salaries and expenses | 494,076,000 | 538,072,000 | --- | 503,219,000 | +9,143,000 | -34,853,000 | +503,219,000 |
| Immigration and Naturalization Service | | | | | | | |
| Salaries and expenses | 741,114,000 | 859,276,000 | --- | 804,323,000 | +63,209,000 | -54,953,000 | +804,323,000 |
| Federal Prison System | | | | | | | |
| Salaries and expenses | 719,814,000 | 970,195,000 | --- | 963,012,000 | +243,198,000 | -7,183,000 | +963,012,000 |
| National Institute of Corrections | 9,590,000 | 9,821,000 | --- | 9,686,000 | +96,000 | -135,000 | +9,686,000 |
| Buildings and facilities | 201,676,000 | 525,213,000 | --- | 203,693,000 | +2,017,000 | -321,520,000 | +203,693,000 |
| Federal Prison Industries, Incorporated: (Limitation on administrative and vocational training expenses) | (9,918,000) | (10,051,000) | --- | (10,051,000) | (+133,000) | --- | (+10,051,000) |
| Total, Federal prison system | 931,080,000 | 1,505,229,000 | --- | 1,176,391,000 | +245,311,000 | -328,838,000 | +1,176,391,000 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Office of Justice Programs | | | | | | | |
| Justice Assistance | 229,075,000 | 78,017,000 | 75,000,000 | 229,075,000 | --- | +151,058,000 | +154,075,000 |
| Total, title II, Department of Justice: | | | | | | | |
| New budget (obligational) authority | 5,018,504,000 | 6,018,517,000 | 275,000,000 | 5,462,978,000 | +444,474,000 | -555,539,000 | +5,187,978,000 |
| (Limitation on expenses) | (9,918,000) | (10,051,000) | --- | (10,051,000) | (+133,000) | --- | (+10,051,000) |
| TITLE III - DEPARTMENT OF STATE | | | | | | | |
| Administration of Foreign Affairs | | | | | | | |
| Salaries and expenses | 1,694,000,000 | 1,799,000,000 | 1,793,750,000 | 1,792,250,000 | +98,250,000 | -6,750,000 | -1,500,000 |
| Representation allowances | 4,500,000 | 4,590,000 | 4,590,000 | 4,590,000 | +90,000 | --- | --- |
| Protection of foreign missions and officials | 9,000,000 | 9,100,000 | 9,100,000 | 9,100,000 | +100,000 | --- | --- |
| Acquisition and maintenance of buildings abroad | 313,100,000 | 240,021,000 | 240,021,000 | 240,021,000 | -73,079,000 | --- | --- |
| Emergencies in the diplomatic and consular service | 4,000,000 | 4,500,000 | 4,500,000 | 4,500,000 | +500,000 | --- | --- |
| Payment to the American Institute in Taiwan | 11,000,000 | 10,890,000 | 10,890,000 | 10,890,000 | -110,000 | --- | --- |
| Payment to the Foreign Service Retirement and Disability Fund | 86,000,000 | 107,684,000 | 107,684,000 | 107,684,000 | +21,684,000 | --- | --- |
| Total, administration of foreign affairs | 2,121,600,000 | 2,175,785,000 | 2,170,535,000 | 2,169,035,000 | +47,435,000 | -6,750,000 | -1,500,000 |
| International Organizations and Conferences | | | | | | | |
| Contributions to international organizations | 480,000,000 | 489,906,000 | 485,940,000 | 489,906,000 | +9,906,000 | --- | +3,966,000 |
| Contributions for international peacekeeping activities | 29,400,000 | 29,000,000 | 29,000,000 | 29,000,000 | -400,000 | --- | --- |
| International conferences and contingencies | 6,000,000 | 6,000,000 | 6,000,000 | 6,050,000 | +50,000 | +50,000 | +50,000 |
| Total, international organizations and conferences | 515,400,000 | 524,906,000 | 520,940,000 | 524,956,000 | +9,556,000 | +50,000 | +4,016,000 |

## COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1988 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1989—Continued

[Amounts in dollars]

| Item (1) | 1988 appropriation (2) | Budget estimate (3) | House allowance (4) | Committee recom-mendation (5) | Senate committee recommendation compared with (+ or −) | | |
|---|---|---|---|---|---|---|---|
| | | | | | 1988 appropriation (6) | Budget estimate (7) | House allowance (8) |
| International Commissions | | | | | | | |
| International Boundary and Water Commission, United States and Mexico: | | | | | | | |
| Salaries and expenses | 10,261,000 | 10,466,000 | 10,261,000 | 10,364,000 | +103,000 | -102,000 | +103,000 |
| Construction | 3,166,000 | 5,800,000 | 3,166,000 | 3,198,000 | +32,000 | -2,602,000 | +32,000 |
| American sections, international commissions | 4,316,000 | 4,400,000 | 4,316,000 | 4,359,000 | +43,000 | -41,000 | +43,000 |
| International fisheries commissions | 10,548,000 | 10,760,000 | 10,548,000 | 10,653,000 | +105,000 | -107,000 | +105,000 |
| Total, international commissions | 28,291,000 | 31,426,000 | 28,291,000 | 28,574,000 | +283,000 | -2,852,000 | +283,000 |
| Other | | | | | | | |
| United States Bilateral Science and Technology Agreements | 1,900,000 | 2,000,000 | 1,900,000 | 2,000,000 | +100,000 | --- | +100,000 |
| Payment to the Asia Foundation | 13,700,000 | 8,000,000 | 13,700,000 | 15,000,000 | +1,300,000 | +7,000,000 | +1,300,000 |
| Soviet-East European research and training | 4,600,000 | 5,000,000 | 4,600,000 | 5,000,000 | +400,000 | --- | +400,000 |
| Fishermen's guaranty fund | 1,725,000 | 1,800,000 | --- | 1,742,000 | +17,000 | -58,000 | +1,742,000 |
| Fisherman's protective fund | 959,000 | --- | --- | --- | -959,000 | --- | --- |
| Total, title III, Department of State: New budget (obligational) authority | 2,688,175,000 | 2,748,917,000 | 2,739,966,000 | 2,746,307,000 | +58,132,000 | -2,610,000 | +6,341,000 |

TITLE IV - THE JUDICIARY

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Supreme Court of the United States** | | | | | | | |
| Salaries and expenses: | | | | | | | |
| Salaries of Justices | 1,052,000 | 1,055,000 | 1,055,000 | 1,116,000 | +64,000 | +61,000 | +61,000 |
| Other salaries and expenses | 14,195,000 | 15,393,000 | 14,785,000 | 14,337,000 | +142,000 | -1,056,000 | -448,000 |
| Total, salaries and expenses | 15,247,000 | 16,448,000 | 15,840,000 | 15,453,000 | +206,000 | -995,000 | -387,000 |
| Care of the building and grounds | 2,110,000 | 2,384,000 | 2,200,000 | 2,131,000 | +21,000 | -253,000 | -69,000 |
| Total, Supreme Court of the United States | 17,357,000 | 18,832,000 | 18,040,000 | 17,584,000 | +227,000 | -1,248,000 | -456,000 |
| **United States Court of Appeals for the Federal Circuit** | | | | | | | |
| Salaries and expenses: | | | | | | | |
| Salaries of judges | 1,213,000 | 1,214,000 | 1,214,000 | 1,287,000 | +74,000 | +73,000 | +73,000 |
| Other salaries and expenses | 6,217,000 | 7,486,000 | 7,013,000 | 6,279,000 | +62,000 | -1,207,000 | -734,000 |
| Total, salaries and expenses | 7,430,000 | 8,700,000 | 8,227,000 | 7,566,000 | +136,000 | -1,134,000 | -661,000 |
| **United States Court of International Trade** | | | | | | | |
| Salaries and expenses: | | | | | | | |
| Salaries of judges | 857,000 | 858,000 | 858,000 | 909,000 | +52,000 | +51,000 | +51,000 |
| Other salaries and expenses | 6,911,000 | 7,306,000 | 7,301,000 | 6,980,000 | +69,000 | -326,000 | -321,000 |
| Total, salaries and expenses | 7,768,000 | 8,164,000 | 8,159,000 | 7,889,000 | +121,000 | -275,000 | -270,000 |
| **Courts of Appeals, District Courts, and Other Judicial Services** | | | | | | | |
| Salaries and expenses: | | | | | | | |
| Salaries of judges | 97,858,000 | 99,736,000 | 99,736,000 | 105,235,000 | +7,377,000 | +5,499,000 | +5,499,000 |

## COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1988 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1989—Continued

[Amounts in dollars]

| | | | | | Senate committee recommendation compared with (+ or -) | | |
|---|---|---|---|---|---|---|---|
| Item (1) | 1988 appropriation (2) | Budget estimate (3) | House allowance (4) | Committee recom-mendation (5) | 1988 appropriation (6) | Budget estimate (7) | House allowance (8) |
| Other salaries and expenses | 983,589,000 | 1,285,777,000 | 1,078,600,000 | 1,001,533,000 | +17,944,000 | -284,244,000 | -77,067,000 |
| Total, salaries and expenses | 1,081,447,000 | 1,385,513,000 | 1,178,336,000 | 1,106,768,000 | +25,321,000 | -278,745,000 | -71,568,000 |
| Defender services | 85,100,000 | 137,815,000 | 109,900,000 | 86,478,000 | +1,378,000 | -51,337,000 | -23,422,000 |
| Fees of jurors and commissioners | 43,135,000 | 46,500,000 | 44,193,000 | 43,600,000 | +465,000 | -2,900,000 | -593,000 |
| Court security | 40,853,000 | 56,980,000 | --- | 41,423,000 | +570,000 | -15,557,000 | +41,423,000 |
| Total, courts of appeals, district courts, and other judicial services | 1,250,535,000 | 1,626,808,000 | 1,332,429,000 | 1,278,269,000 | +27,734,000 | -348,539,000 | -54,160,000 |
| Administrative Office of the United States Courts | | | | | | | |
| Salaries and expenses | 31,167,000 | 41,970,000 | 34,228,000 | 33,087,000 | +1,920,000 | -8,883,000 | -1,141,000 |
| Federal Judicial Center | | | | | | | |
| Salaries and expenses | 10,548,000 | 12,109,000 | 11,581,000 | 10,669,000 | +121,000 | -1,440,000 | -912,000 |
| United States Sentencing Commission | | | | | | | |
| Salaries and expenses | 5,129,000 | 5,350,000 | 5,129,000 | 5,183,000 | +54,000 | -167,000 | +54,000 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Total, title IV, the Judiciary:<br>New budget (obligational) authority.......... | 1,329,934,000 | 1,721,933,000 | 1,417,793,000 | 1,360,247,000 | +30,313,000 | -361,686,000 | -57,546,000 |
| TITLE V - RELATED AGENCIES | | | | | | | |
| DEPARTMENT OF TRANSPORTATION | | | | | | | |
| Maritime Administration | | | | | | | |
| Ready reserve force 1/.............................. | 126,689,000 | 110,751,000 | --- | 110,751,000 | -15,938,000 | --- | +110,751,000 |
| Operating-differential subsidies (portion applied liquidation of contract authority).................. | (250,300,000) | (248,900,000) | --- | (248,900,000) | (-1,400,000) | --- | (+248,900,000) |
| (Balance withdrawn)................................ | (-37,000,000) | --- | --- | --- | (+37,000,000) | --- | --- |
| Total, Operating-differential subsidies......... | (213,300,000) | (248,900,000) | --- | (248,900,000) | (+35,600,000) | --- | (+248,900,000) |
| Ocean freight differential.......................... | 78,455,000 | --- | --- | --- | -78,455,000 | --- | --- |
| Portion applied to debt reduction................. | -77,513,000 | --- | --- | --- | +77,513,000 | --- | --- |
| Operations and training.............................. | 75,521,000 | 74,100,000 | --- | 66,250,000 | -9,271,000 | -7,850,000 | +66,250,000 |
| Total, Department of Transportation............. | 203,152,000 | 184,851,000 | --- | 177,001,000 | -26,151,000 | -7,850,000 | +177,001,000 |
| Arms Control and Disarmament Agency | | | | | | | |
| Arms control and disarmament activities............... | 30,100,000 | 32,000,000 | 30,830,000 | 32,000,000 | +1,900,000 | --- | +1,170,000 |
| Board for International Broadcasting | | | | | | | |
| Grants and expenses.................................. | 185,000,000 | 192,100,000 | 194,900,000 | 192,100,000 | +7,100,000 | --- | -2,800,000 |
| Israel Radio Station................................. | 34,000,000 | 35,000,000 | --- | 35,000,000 | +1,000,000 | --- | +35,000,000 |
| Total, Board for International Broadcasting..... | 219,000,000 | 227,100,000 | 194,900,000 | 227,100,000 | +8,100,000 | --- | +32,200,000 |

1/ Enacted Budget Authority was appropriated to Navy-'Operations & Maintenance' and 'Ship Construction' accounts.

## COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1988 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1989—Continued

[Amounts in dollars]

| Item | 1988 appropriation | Budget estimate | House allowance | Committee recom-mendation | Senate committee recommendation compared with (+ or −) | | |
|---|---|---|---|---|---|---|---|
| | | | | | 1988 appropriation | Budget estimate | House allowance |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) |
| Christopher Columbus Quincentenary Jubilee Commission | | | | | | | |
| Salaries and expenses................................ | 212,000 | 220,000 | 212,000 | 212,000 | --- | -8,000 | --- |
| Commission on Agricultural Workers | | | | | | | |
| Salaries and expenses................................ | --- | --- | 600,000 | --- | --- | --- | -600,000 |
| Commission on the Bicentennial of the United States Constitution | | | | | | | |
| Salaries and expenses................................ | 21,000,000 | 11,436,000 | 11,436,000 | 11,436,000 | -9,564,000 | --- | --- |
| Commission on Civil Rights | | | | | | | |
| Salaries and expenses................................ | 5,707,000 | 13,376,000 | 5,707,000 | 5,841,000 | +134,000 | -7,535,000 | +134,000 |
| Commission on Security and Cooperation in Europe | | | | | | | |
| Salaries and expenses................................ | 701,000 | 780,000 | 701,000 | 780,000 | +79,000 | --- | +79,000 |
| Commission for the Study of International Migration and Cooperative Economic Development | | | | | | | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Salaries and expenses................................ | 870,000 | 890,000 | 1,690,000 | 890,000 | +20,000 | --- | -800,000 |
| Equal Employment Opportunity Commission | | | | | | | |
| Salaries and expenses................................ | 179,812,000 | 194,624,000 | 179,812,000 | 181,758,000 | +1,946,000 | -12,866,000 | +1,946,000 |
| Federal Communications Commission | | | | | | | |
| Salaries and expenses................................ | 99,613,000 | 104,700,000 | --- | 100,660,000 | +1,047,000 | -4,040,000 | +100,660,000 |
| Reappropriation.................................. | 2,870,000 | --- | --- | --- | -2,870,000 | --- | --- |
| Federal Maritime Commission | | | | | | | |
| Salaries and expenses................................ | 13,585,000 | 15,150,000 | 13,585,000 | 13,737,000 | +152,000 | -1,413,000 | +152,000 |
| Federal Trade Commission | | | | | | | |
| Salaries and expenses................................ | 66,243,000 | 67,503,000 | --- | 66,918,000 | +675,000 | -585,000 | +66,918,000 |
| International Trade Commission | | | | | | | |
| Salaries and expenses................................ | 34,750,000 | 37,069,000 | --- | 37,069,000 | +2,319,000 | --- | +37,069,000 |
| Japan - United States Friendship Commission | | | | | | | |
| Japan - United States Friendship Trust Fund........... | 1,200,000 | 1,415,000 | 1,415,000 | 1,415,000 | +215,000 | --- | --- |
| (Foreign currency appropriation).................. | (1,700,000) | (1,700,000) | (1,700,000) | (1,700,000) | --- | --- | --- |
| Legal Services Corporation | | | | | | | |
| Payment to the Legal Services Corporation 1/.......... | 305,500,000 | 250,000,000 | --- | 308,555,000 | +3,055,000 | +58,555,000 | +308,555,000 |

1/ This BA Request was submitted directly to the Congress, as provided by P.L. 93-355. The estimate was submitted in the President's budget as $250,000,000.

## COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1988 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1989—Continued

[Amounts in dollars]

| Item (1) | 1988 appropriation (2) | Budget estimate (3) | House allowance (4) | Committee recommendation (5) | Senate committee recommendation compared with (+ or −): 1988 appropriation (6) | Budget estimate (7) | House allowance (8) |
|---|---|---|---|---|---|---|---|
| Marine Mammal Commission | | | | | | | |
| Salaries and expenses | 953,000 | 933,000 | --- | 962,000 | +9,000 | +29,000 | +962,000 |
| Office of the United States Trade Representative | | | | | | | |
| Salaries and expenses | 15,229,000 | 15,393,000 | --- | 15,383,000 | +154,000 | -10,000 | +15,383,000 |
| Securities and Exchange Commission | | | | | | | |
| Salaries and expenses | 135,221,000 | 160,925,000 | 135,221,000 | 150,000,000 | +14,779,000 | -10,925,000 | +14,779,000 |
| Small Business Administration | | | | | | | |
| Salaries and expenses | 215,832,000 | 249,080,000 | --- | 237,148,000 | +21,316,000 | -11,932,000 | +237,148,000 |
| (By transfer) | (88,228,000) | (88,228,000) | --- | (89,110,000) | (+882,000) | (+882,000) | (+89,110,000) |
| Business loan and investment fund | 176,000,000 | 130,000,000 | --- | 169,000,000 | -7,000,000 | +39,000,000 | +169,000,000 |
| Surety bond guarantees revolving fund | 9,497,000 | 11,000,000 | --- | 9,497,000 | --- | -1,503,000 | +9,497,000 |
| Pollution control equipment contract guarantee revolving fund | 13,656,000 | 14,000,000 | --- | 13,656,000 | --- | -344,000 | +13,656,000 |
| Total, Small Business Administration | 414,985,000 | 404,080,000 | --- | 429,301,000 | +14,316,000 | +25,221,000 | +429,301,000 |
| State Justice Institute | | | | | | | |
| Salaries and expenses | 10,980,000 | 15,000,000 | --- | 11,130,000 | +150,000 | -3,870,000 | +11,130,000 |

### United States Information Agency

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Salaries and expenses | 620,347,000 | 622,400,000 | 620,347,000 | 619,032,000 | -1,315,000 | -3,368,000 | -1,315,000 |
| Educational and cultural exchange programs | 150,040,000 | 146,100,000 | 150,040,000 | 150,040,000 | --- | +3,940,000 | --- |
| Radio construction | --- | 65,000,000 | 65,000,000 | 65,000,000 | +65,000,000 | --- | --- |
| Radio broadcasting to Cuba | 12,759,000 | 11,175,000 | 11,175,000 | 11,175,000 | -1,584,000 | --- | --- |
| East-West Center | 20,000,000 | 20,000,000 | 20,000,000 | 20,000,000 | --- | --- | --- |
| National endowment for democracy | 16,875,000 | 15,800,000 | 16,875,000 | 15,800,000 | -1,075,000 | --- | -1,075,000 |
| Total, United States Information Agency | 820,021,000 | 880,475,000 | 883,437,000 | 881,047,000 | +61,026,000 | +572,000 | -2,390,000 |
| Total, title V, Related agencies: | | | | | | | |
| New budget (obligational) authority | 2,581,704,000 | 2,617,920,000 | 1,459,546,000 | 2,653,195,000 | +71,491,000 | +35,275,000 | +1,193,649,000 |
| Reappropriation | 2,870,000 | --- | --- | --- | -2,870,000 | --- | --- |
| Appropriations | (2,659,217,000) | (2,617,920,000) | (1,459,546,000) | (2,653,195,000) | (-6,022,000) | (+35,275,000) | (+1,193,649,000) |
| Appropriations for debt reduction | (-77,513,000) | --- | --- | --- | (+77,513,000) | --- | --- |
| (By transfer) | (88,228,000) | (88,228,000) | --- | (89,110,000) | (+882,000) | (+882,000) | (+89,110,000) |
| (Liquidation of contract authority) | (213,300,000) | (248,900,000) | --- | (248,900,000) | (+35,600,000) | --- | (+248,900,000) |
| (Foreign currency appropriation) | (1,700,000) | (1,700,000) | (1,700,000) | (1,700,000) | --- | --- | --- |

### RECAPITULATION

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Grand total: | | | | | | | |
| New budget (obligational) authority (net) | 14,027,265,000 | 15,503,754,000 | 7,966,708,000 | 15,006,408,000 | +979,143,000 | -497,346,000 | +7,039,700,000 |
| Reappropriation | 2,870,000 | --- | --- | --- | -2,870,000 | --- | --- |
| Appropriations | (14,106,319,000) | (15,503,754,000) | (7,966,708,000) | (15,006,408,000) | (+900,089,000) | (-497,346,000) | (+7,039,700,000) |
| Appropriations for debt reduction | (-77,513,000) | --- | --- | --- | (+77,513,000) | --- | --- |
| Rescission | (-1,541,000) | --- | --- | --- | (+1,541,000) | --- | --- |
| Advance appropriations, FY 1988 | --- | --- | --- | --- | --- | --- | --- |
| Advance appropriations, FY 1989 | --- | --- | --- | --- | --- | --- | --- |
| (Limitation on expenses) | (9,918,000) | (10,051,000) | --- | (10,051,000) | (+133,000) | --- | (+10,051,000) |
| (By transfer) | (151,873,000) | (151,028,000) | --- | (141,210,000) | (-10,663,000) | (-9,818,000) | (+141,210,000) |
| (Limitation on direct loans) | --- | --- | --- | --- | --- | --- | --- |
| (Limitation on guaranteed loans) | (150,000,000) | --- | --- | (150,000,000) | --- | (+150,000,000) | (+150,000,000) |

## COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1988 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1989—Continued

[Amounts in dollars]

| Item (1) | 1988 appropriation (2) | Budget estimate (3) | House allowance (4) | Committee recommendation (5) | Senate committee recommendation compared with (+ or -) | | |
|---|---|---|---|---|---|---|---|
| | | | | | 1988 appropriation (6) | Budget estimate (7) | House allowance (8) |
| Memoranda: | | | | | | | |
| (Appropriations to liquidate contract authorizations) | (213,300,000) | (248,900,000) | --- | (248,900,000) | (+35,600,000) | --- | (+248,900,000) |
| Total appropriations, including appropriations to liquidate contract authorizations | (14,243,435,000) | (15,752,654,000) | (7,966,708,000) | (15,255,308,000) | (+1,011,873,000) | (-497,346,000) | (+7,288,600,000) |